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TEXAS HOUSE OF REPRESENTATIVES

HOUSE FLOOR DEBATE

4/23/07 2nd READING HB 218

VOLUME 2

Transcribed on April 21, 2012

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1 PROCEEDINGS

2 MR. TURNER: What price do we put on  
3 maintaining a person's right to vote? And I would  
4 suggest --

5 MR. PHILLIPS: -- the person tries to make  
6 sure they voted for --

7 MR. TURNER: Let me finish. Let me finish.  
8 Let me finish my thought. And that point is people have  
9 fought and died for the right to vote, okay? And to argue  
10 to me about the administrative cost for persons to have  
11 the right to vote is not a winning argument for me, not  
12 when people are fighting and dying for other people to  
13 have the right to vote. So, don't argue with me because  
14 I'm not (inaudible).

15 MR. PHILLIPS: I'm asking you questions  
16 about this so we understand your amendment. Subsequently,  
17 if there's somebody that's voted and they should not have  
18 been voting legally, your amendment is going to make it to  
19 where they can continue to vote illegally.

20 So, not only are we -- not only are you  
21 saying you're setting hurdles, what you're really doing is  
22 you're saying if someone has voted illegally in the past  
23 and shouldn't, then they are going to be able to do that  
24 because they -- they have been voting.

25 MR. TURNER: Absolutely not. What I said

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1 is --

2 MR. PHILLIPS: That's the concern that I  
3 have of your amendment.

4 MR. TURNER: Absolutely not. Let me  
5 finish. Let me just say whatever the attorney general  
6 needs -- whatever the attorney general needs in order  
7 to -- in order to enhance the integrity of our system, I'm  
8 prepared to give it to him. Whatever he needs. If he  
9 needs more money in order to weed out people who are  
10 engaged in voter fraud, I'm willing to give that to him  
11 because I think that's a better way of getting to this  
12 problem. But people are already -- Representative Brown  
13 took an amendment that says if you're 80 years or older  
14 you don't have to go through this.

15 MR. PHILLIPS: This amendment is in the  
16 same vein. I think it separates things and allows people  
17 to continue. You know, we had an election contest last  
18 session. Someone had been voting that was not supposed to  
19 be voting out of that because they were not a citizen, and  
20 that came up as an issue.

21 MR. TURNER: That wasn't voting  
22 impersonation. That person had voter ID, Mr. Phillips.

23 MR. PHILLIPS: I'm just saying there are  
24 issues and if we can make sure and assure the public -- if  
25 we can assure the public by simply showing an ID that they

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1 have confidence in the elections, that's what we need.

2 MR. TURNER: But Representative Phillips,  
3 why is there a (inaudible) in that saying to Texans who  
4 have every right to vote. We want to encourage you to  
5 vote. We want you to vote.

6 MR. PHILLIPS: We need more people to vote.

7 MR. TURNER: I'm not hearing that today.  
8 Maybe is that my ignorance. Maybe it's my ignorance  
9 because there are people who are fighting for other people  
10 to have the right to vote. I'm not understanding.

11 MR. PHILLIPS: The states that have enacted  
12 the same legislation we're looking at, they have higher  
13 percentage participation than we do. So, if you look --

14 MR. TURNER: I don't know about that  
15 because there's several states who have enacted similar  
16 bills and their laws were struck down because they weren't  
17 Constitutional.

18 MR. PHILLIPS: -- higher participation  
19 rates in voting than we do.

20 MR. TURNER: All my amendment does --

21 MR. PHILLIPS: They are bringing the  
22 concern that I think the complications your amendment  
23 brings is not worth it to put on this legislation, and I  
24 would ask you to bring -- bring it to a conclusion.

25 MR. TURNER: Representative Phillips, all

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1 my amendment does is that it grandfathered people who have  
2 already been voting in the political process for years and  
3 years. It is in the same spirit that we voted on TXU, and  
4 we grandfathered them in. What's the difference?

5 MR. JACKSON: Mr. Speaker --

6 SPEAKER: Mr. Jackson, for what purpose?

7 MR. JACKSON: Mr. Turner, does reality ever  
8 get in the way of your philosophy?

9 MR. TURNER: Does reality --

10 MR. JACKSON: Ever get in the way of your  
11 philosophy?

12 MR. TURNER: I would like to think that  
13 reality and my philosophy go hand and hand.

14 MR. JACKSON: Sometimes reality gets in the  
15 way of my philosophy, and I want to tell you as somebody  
16 who has had to help recruit people to run elections,  
17 this -- this would -- reality makes your amendment in my  
18 opinion very unpractical because it's very, very difficult  
19 to get people to do elections and this would take more  
20 people. It's not money. It's people. And it's very  
21 difficult to do.

22 MR. TURNER: And, Representative Jackson --

23 MR. JACKSON: This would be a terrible  
24 amendment for the elections department and for the people  
25 running the --

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1 MR. TURNER: Representative Jackson -- and  
2 I respect your comment but, Representative Jackson, let me  
3 tell you what my reality is.

4 MR. JACKSON: Okay.

5 MR. TURNER: For people in my background  
6 who have been denied the right to vote for years and years  
7 and who have died and who have been harmed and who have  
8 had to go through poll taxes, they are already discouraged  
9 in having the right to vote. And when you impose an  
10 additional hurdle like this, it may not impact your  
11 reality, but it certainly impacts mine.

12 So, I bring forth this amendment in order  
13 to hold to your reality and to protect mine. It shouldn't  
14 be a win-lose. It should be a win-win.

15 MR. JACKSON: It's lose-lose -- so your  
16 people can vote, it's going to be a lose-lose.

17 MR. TURNER: Then if it's a lose-lose, then  
18 218 should be a lose-lose because I didn't bring 218. And  
19 so, if it's a lose-lose --

20 SPEAKER: Mr. turner, the gentleman's time  
21 has expired.

22 MR. TURNER: I ask you to vote for the  
23 amendment.

24 SPEAKER: -- sustained. Members, the  
25 question occurs on the adoption -- members, the question

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1 occurs on the motion to table of the Turner amendment.

2 All those in favor of the motion to table vote aye.

3 Opposed, vote no. Clerk, ring the bell. Show Ms. Brown  
4 voting aye. Show Mr. Turner voting no.

5 Have all voted? There being 75 ayes, 68  
6 nays, the motion to table prevails. Mr. Turner, that was  
7 75/68. The other vote was 80/54. You did a great job  
8 with your speech to reverse it.

9 Following amendment. The clerk will read  
10 the amendment.

11 CLERK: Amendment by Anchia.

12 SPEAKER: Chair recognizes Mr. Anchia.

13 MR. ANCHIA: Thank you, Mr. Speaker,  
14 members. During the layout of the bill and the subsequent  
15 debate, one assumption has not been retested, and that is  
16 the need for this bill. The Texas attorney general in  
17 2005 said he was going to vigorously pursue voter fraud in  
18 this state. Prosecuted approximately five cases, none of  
19 which dealt with voter impersonation.

20 The Elections Assistance Commission, the  
21 highest body related to assisting election officials,  
22 looked into this issue and could not find any cases  
23 nationwide of voter impersonation.

24 In Missouri where they looked at this  
25 issue -- and that's the third state in the country to

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1 impose a photo ID -- the then Secretary of State and now  
2 Governor Blunt looked for voter impersonation and couldn't  
3 find it.

4 In Ohio, a state-wide survey of 88 county  
5 boards of election looked for ineligible persons  
6 attempting to vote and voter impersonation. There's no  
7 evidence in Ohio of voter employee impersonation.

8 In Washington state the looked at 2.8  
9 million ballots and, similarly, no evidence. The Carter  
10 Baker Commission looked at this issue and reported that  
11 since October 2002 federal officials have charged 89  
12 individuals nationwide with casting multiple votes,  
13 providing false information about their felony status,  
14 buying votes, submitting false information, and improperly  
15 voting. Whether or not these 89 cases nationwide that  
16 were found by the Carter Baker Commission constitute an  
17 epidemic or extensive voter fraud, I'll let you draw your  
18 conclusions because in those 89 cases you also had  
19 hundreds of millions of votes cast but none of those 89  
20 cases would have been prevented by HB218. Zero,  
21 Mr. Zedler, none.

22 When we asked the Secretary of State's  
23 office how many cases of voter impersonation have you  
24 gotten complaints about in this state, zero cases. When  
25 we asked the attorney general's office when we were

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1 hearing this bill, we asked how many cases of voter  
2 impersonation are you currently investigating? Zero  
3 cases.

4 So, I ask you: When we're looking at the  
5 right to vote and we see no voter impersonation, there  
6 must be something else going on. And you know what? I  
7 respect Representative Brown's about dead people voting.  
8 I respect her concerns about non-citizen voting, but  
9 neither of those are impacted by HB218 or would be  
10 prevented by 218.

11 So, I have an amendment -- an amendment to  
12 the amendment that's very similar to a bill that's going  
13 to be coming to the floor very soon -- it's in  
14 calendars -- by Representative (inaudible), and there's a  
15 similar bill by Senator Janek, and it says that county  
16 registrars are required to report to the Secretary of  
17 State's office for purposes of harmonizing the statewide  
18 database any people who show up on -- who are deceased or  
19 any non-citizens who have disqualified themselves from  
20 jury duty by checking the box that says non-citizen.

21 MR. CORTE: Mr. Speaker --

22 MR. ANCHIA: And just real, real quick,  
23 Mister --

24 MR. CORTE: -- point of order for further  
25 consideration that this amendment violates Rule 11,

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1 Section 1 and 2 and 3, Section 30 of the Texas  
2 Constitution.

3 SPEAKER: Bring the point of order down  
4 front.

5 Members, the point of order -- point of  
6 order is respectfully sustained.

7 Following amendment. The clerk will read  
8 the amendment.

9 CLERK: Amendment by Liebowitz.

10 SPEAKER: Chair recognizes Mr. Liebowitz.

11 MR. LIEBOWITZ: Thank you, Mr. Speaker.

12 Members, this amendment exempts victims of weather-related  
13 disasters like Hurricanes Katrina or Rita from the  
14 requirement of providing multiple IDs to vote for one  
15 year. It only applies to victims of a weather-related  
16 disaster for which the governor issues a declaration of  
17 disaster.

18 After a disaster, many people lose  
19 everything they own, including all their IDs and all their  
20 official documents like birth certificates. Many people  
21 lose their vehicles, and public transportation systems get  
22 disrupted for months after a disaster. That could make it  
23 extremely difficult for citizens to get around to the  
24 different government offices to get replacement documents.

25 This amendment gives victims one year to get their lives

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1 together and get their officials papers reproduced if need  
2 be. I move adoption.

3 SPEAKER: Chair recognizes Ms. Brown.

4 MS. BROWN: I have to oppose this  
5 amendment. I understand what he's trying to do, and if we  
6 could figure out a way to do it and keep it tight, then I  
7 could support it.

8 How are these people going to prove -- how  
9 are you going to prove that you are a victim at this point  
10 of a hurricane? And as terrible as it is that those  
11 people have gone through all of these problems, by now I  
12 think they should have been able to acquire some form of  
13 ID. If nothing else is to take advantage of all the  
14 assistance that's been offered them.

15 So, I really think we're going to have to  
16 oppose this to keep from opening the door to other forms  
17 of fraud.

18 SPEAKER: Mr. Zedler, for what purpose?  
19 Ralph?

20 MS. BROWN: Mr. Speaker, members, I  
21 withdraw my objection to the amendment and I think we're  
22 going to have a little legislative intent established  
23 here.

24 SPEAKER: Chair recognizes Mr. Liebowitz.  
25 Ms. Brown, for what purpose?

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1 MS. BROWN: Would the gentleman yield for a  
2 question, please? Mr. Liebowitz, your amendment is  
3 dealing with future disasters?

4 MR. LIEBOWITZ: Yes, ma'am.

5 MS. BROWN: We hope we never have one, but  
6 chances are something would happen. And in that case --  
7 and you don't have in mind a drought or anything that  
8 would not interfere with a person's normal activity so  
9 that they could -- so they still have access to vote their  
10 ID, their papers and so on. You're talking about a severe  
11 natural disaster that would disrupt daily life to the  
12 point that someone would not have access to their records;  
13 is that correct?

14 MR. LIEBOWITZ: Yes, ma'am, that's correct.  
15 And if Rita had hit Houston head-on and there had been  
16 significant devastation, all this says is that from --  
17 after the state of disaster expires, the proclamation by  
18 the governor, from a year from that date of the expiration  
19 of the proclamation of the disaster forward that if  
20 someone cannot present the two IDs then they are still  
21 going to be allowed to vote.

22 MS. BROWN: It would revert to present law?

23 MR. LIEBOWITZ: Yes, ma'am. If they were  
24 in a county that was part of the declaration of disaster  
25 by the governor's office.

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1 MS. BROWN: And they were registered  
2 voters.

3 MR. LIEBOWITZ: Yes, ma'am.

4 MS. BROWN: Showing on the records that  
5 they were registered voters, it would revert to present  
6 law?

7 MR. LIEBOWITZ: Yes, ma'am.

8 MS. BROWN: And your intent is not to  
9 interfere with the intent of my bill?

10 MR. LIEBOWITZ: No. What I was concerned  
11 about, Rita hitting Houston and terrible devastation and  
12 an election being three weeks later, for example.

13 MS. BROWN: And the period of one year, you  
14 would set for what reason?

15 MR. LIEBOWITZ: I just thought that was a  
16 reasonable period of time from the date -- given that we  
17 have election cycles and elections don't happen every day  
18 or every week or even every month -- to allow between the  
19 time they are digging the mud out of their homes and  
20 bailing the water out and trying to reconstruct their  
21 lives that it would be a reasonable period of time within  
22 which they could have to get their duplicate documents.

23 MS. BROWN: All right. Thank you,  
24 Mr. Liebowitz.

25 SPEAKER: Mr. Liebowitz sends up an

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1 amendment.

2 MS. BROWN: Mr. Speaker?

3 SPEAKER: Ms. Brown, for what purpose?

4 MS. BROWN: I move that we reduce the  
5 conversation that we had to writing and put in the House  
6 journal, please.

7 SPEAKER: Everyone heard the motion. Is  
8 there any objection? Chair hears none.

9 Mr. Liebowitz sends up an amendment. The  
10 amendment is acceptable to the author. Is there any  
11 objection? Chair hears none.

12 Mr. Veasey?

13 CLERK: Amendment by Veasey.

14 SPEAKER: Chair recognizes Mr. Veasey.

15 MR. VEASEY: Thank you, Mr. Speaker,  
16 members. This amendment that I have is a simple  
17 amendment, and it exempts from this bill Texas limited  
18 counties that have failed under Section 5 of the Voting  
19 Rights Act to acquire pre-clearance for voting method or  
20 change. And basically what this would do is the counties  
21 that have currently or that have been in trouble in the  
22 past for parts of Section 5, it would exclude them from  
23 this bill.

24 MS. BROWN: Mr. Speaker, members -- I'm  
25 sorry.

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1 SPEAKER: Chair recognizes Ms. Brown.

2 MS. BROWN: Mr. Speaker, I have to oppose  
3 this amendment. We need to keep our -- the law uniform  
4 across the state so that people understand what we expect  
5 of them, so that our election workers understand what's  
6 expected of them, and we certainly -- by this, we are  
7 certainly not supporting, recommending any kind of voter  
8 discrimination, any kind of obstacle placed in the way of  
9 legal voters. We are encouraging people to get out and  
10 vote, but this is back to the beginning. This bill is  
11 about the integrity of the election process. We want  
12 to -- to make that as strong as possible and to restore  
13 confidence in our election system.

14 So, I do move to table the amendment.

15 SPEAKER: Mr. Veasey to close.

16 MR. VEASEY: Well, I want to respectfully  
17 disagree with --

18 MR. ORTIZ: Mr. Veasey, what is the intent  
19 of your amendment?

20 MR. VEASEY: Right now, the way this bill  
21 was written, it puts a barrier in front of people that  
22 would like to exercise their right to vote. It puts a  
23 barrier in front of people who at one time or another  
24 found it very hard in this state to vote, and I want to  
25 make it to where they feel comfortable coming to the

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1       polls. That's what this amendment is all about, is  
2       keeping the level of comfort-ability, keeping the laws the  
3       way that they are because people have died for this right.

4                   I think Sylvester Turner pointed it out  
5       very eloquently earlier that there are still people living  
6       in this state -- people always think that all of this  
7       stuff happened a long time ago, but there are still people  
8       living in this state that have experienced levels of  
9       discrimination that you or I will never experience in the  
10      voting poll because hopefully our country will never go  
11      back in that direction, but I don't want to put them in  
12      through this again.

13                  MR. ORTIZ: So, how many counties have been  
14      in violation of the Voter Rights Act, would you say?

15                  MR. VEASEY: There's been quite a number of  
16      counties in the state. As you know, in Texas we were one  
17      of the states that, you know, committed quite a number of  
18      atrocities back here in recent memory and that is the  
19      reason why I wanted to offer this amendment up.

20                  MR. ORTIZ: Well, Mr. Veasey, I believe you  
21      have a great amendment, and I join you in supporting it.

22                  SPEAKER: Mr. Berman, for what purpose?

23                  MR. BERMAN: Would the gentleman yield?

24                  SPEAKER: Does the gentleman yield?

25                  MR. VEASEY: Yes.

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1 MR. BERMAN: Mr. Veasey, we've been talking  
2 about this back here and there's no doubt in my mind there  
3 has been discrimination in the recent past. There was  
4 discrimination during the Civil War with the most  
5 horrendous decision the Supreme Court ever rendered, the  
6 Dread-Scott decision, which ended in the 14th amendment,  
7 as you probably know.

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1 ID. They don't have a car, and that's their mode of  
2 transportation is the bus. There are a variety of  
3 reasons -- a lot of reasons why people may not have ID.

4 We just voted -- we just had a vote last  
5 week -- we just had a vote last week about failure to ID  
6 and failure to ID from a law enforcement perspective and  
7 we ended up voting that bill down, and one of the points  
8 that I made when I was up here at the front mic was that  
9 about 75 percent of the folks in Dallas County that were  
10 arrested for failure to ID were African-American. A lot  
11 of times in poor areas, people just don't have IDs. It  
12 may be the difference between having an ID or having a  
13 home or just being able to eat every day.

14 And so, that's the reason why there are  
15 lots of different --

16 MR. BERMAN: Do you think those people that  
17 you're talking about have a voter registration card? The  
18 people that you're saying don't have an electric bill,  
19 they don't have a water bill, they don't have a gas bill,  
20 but they do have a voter registration card?

21 MR. VEASEY: Some of them have a voter  
22 registration card. They have voted. Some people, when  
23 they go to apply for certain benefits and things of that  
24 nature, then they are registered to vote. Some people may  
25 have taken the bus to the mall -- I've registered

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1 people --

2 MR. BERMAN: I have, too.

3 MR. VEASEY: -- may be coming to Town  
4 Center Mall over in Fort Worth and they just happen to get  
5 off the bus and say, "Hey, I want to vote."

6 MR. BERMAN: What counties does this apply  
7 to? What 40 counties does this apply to?

8 MR. VEASEY: Say that again. I'm sorry.

9 MR. BERMAN: What counties does your  
10 amendment apply to? Read the names of the counties or  
11 some of them.

12 MR. VEASEY: Bexar County, Dallas County,  
13 Denton County, Galveston, Harris, and -- and Travis and 47  
14 other counties. Those are the large ones that I wanted to  
15 point out. I don't have them all written down here.

16 MR. BERMAN: Thank you.

17 MR. HEFLIN: Mr. Speaker, will the  
18 gentleman yield?

19 SPEAKER: Mr. Heflin. Will the gentleman  
20 yield?

21 MR. VEASEY: Absolutely, yes, sir.

22 MR. HEFLIN: Mr. Veasey, these people that  
23 don't have driver's licenses, basically what we're doing  
24 here today is with this voter personal identification  
25 certificate that they have to present is we're basically

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1 reenacting a poll tax. Could we call it that?

2 MR. VEASEY: That's exactly what I call it.

3 MR. HEFLIN: So, we're requiring people  
4 that are older -- elderly, disenfranchised, minority, poor  
5 people, we're putting a tax on them to have to pay all  
6 these documents to secure this identification card so they  
7 can vote?

8 MR. VEASEY: That's absolutely right. And  
9 really even bigger than that is we're putting another  
10 barrier in front of them.

11 MR. HEFLIN: Now, in the bill there was  
12 amendment if a person goes up and says that they are -- if  
13 they state they are financially unable to pay the required  
14 fee that it will be waived. Now.

15 How many people -- I don't want to argue  
16 about a pride issue, but how many people are willing to go  
17 up to a bank of total strangers at the voter  
18 registration -- in front of total strangers and say, "I'm  
19 too poor to pay this"?

20 MR. VEASEY: Not very many.

21 MR. HEFLIN: Do you think that would  
22 discourage people from coming to vote?

23 MR. VEASEY: Lots of people would be  
24 discouraged to vote. And let me tell you the problem.  
25 Let me sort of regionalize this problem for you because,

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1 like I said, I've worked on campaigns before, have been  
2 involved in this arena for quite some time. Take, like,  
3 my district. It is an effort just to get people just to  
4 come to the polls, but take an area just to the north of  
5 me like Vicki Truitt's district where the level of home  
6 ownership is very high, very affluent. The voter turnout  
7 is already very high in those areas. I want to make sure  
8 that the people that live in my part of Fort Worth, the  
9 constituents that I represent, that they can continue to  
10 go to the polls, that it's easy for them, and that they  
11 don't feel that another obstacle is being put in their  
12 way.

13 When people read about this law and when  
14 people hear about this bill, they are going to think that  
15 people are trying to discourage them from participating in  
16 the electoral process and they're going to become  
17 discouraged. They're going to say, "Oh, no, we have to go  
18 through this all over again."

19 MR. HEFLIN: Thank you.

20 SPEAKER: Members, Mr. Veasey sends up the  
21 amendment. Ms. Brown moves to table. It's a record vote.  
22 Clerk, ring the bell. Show Mr. Brown voting aye.  
23 Mr. Veasey noting no. Have all voted? There being 74  
24 ayes, 67 nays, the motion to table prevails.

25 The following amendment. The clerk will

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1 read the amendment.

2 CLERK: Amendment by Anchia.

3 SPEAKER: Chair recognizes Mr. Anchia.

4 MR. ANCHIA: Mr. Speaker and members, this  
5 amendment is fairly simple, and it adds to the documents  
6 that you can produce during your attempt to vote a signed  
7 declaration under penalty of perjury affirming that you  
8 are who you are.

9 See, what we have is a situation now where  
10 voter impersonation is already illegal. Voter  
11 impersonation is against the law. Voter impersonation  
12 does not happen in any great number, and I articulated  
13 that for you earlier when I was setting out the case on  
14 the prior amendment. There's no evidence that it occurs,  
15 and we take person's declarations when we allow them to  
16 register to vote and this is under penalty of perjury that  
17 carries serious, serious consequences that you are the  
18 person you are.

19 SPEAKER: Mr. Anchia, do you yield to Mr.  
20 Berman?

21 MR. ANCHIA: I yield to my chairman, Mr.  
22 Berman.

23 MR. BERMAN: Do you strike "photo" from  
24 your amendment? Do you strike photo from the bill?

25 MR. ANCHIA: I strike "photo" on Page 3,

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1 Line 18.

2 MR. BERMAN: There's no requirement for a  
3 photo ID; is that correct?

4 MR. ANCHIA: I believe that's correct, Mr.  
5 Berman.

6 MR. BERMAN: Thank you very much.

7 MR. ANCHIA: So, this will replace -- this  
8 will allow a person to say, "This is the person who I am,  
9 and" --

10 MR. BOHAC: Mr. Speaker, will the gentleman  
11 yield for questions?

12 SPEAKER: Gentleman yields.

13 MR. BOHAC: In Line 8 it says "a signed  
14 declaration under penalty of perjury."

15 How do you know who the person is signing  
16 if they don't have to show a driver's license?

17 MR. ANCHIA: That person has their voter  
18 registration card. They say they are who they are, and  
19 they make an affirmative declaration. They say, "I'm  
20 coming here to vote and if I lie to you I'm going to go to  
21 jail and then I'm going to have a civil fine."

22 So, there's a huge incentive for people to  
23 tell the truth. When you ask someone to affirmatively  
24 make a statement under penalty of perjury, that is placing  
25 a pretty high standard and if the person is, in fact,

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1                   impersonating a voter -- which we have virtually no  
2                   evidence nationwide, certainly no evidence in Texas -- and  
3                   it's easily verifiable by a district attorney -- we have  
4                   talked at great length about the problems related to  
5                   prosecution. This is very simple. We will have a  
6                   statement and if that person is not who they say they are,  
7                   the DA can prosecute them, send them to jail, and hit them  
8                   with a heavy fine.

9                   MR. BOHAC: If a person has already falsely  
10                  voted, they are probably not going to be very --

11                  MR. ANCHIA: That's the beauty. There are  
12                  no people engaging in voter impersonation. How do you fix  
13                  a problem that does not exist?

14                  MR. BOHAC: Well, that's your opinion.

15                  MR. ANCHIA: That's a fact. I've cited  
16                  multiple studies, Mr. Bohac. In fact, it is your opinion  
17                  that it does exist and we have seen no evidence in  
18                  Texas -- and you sat on the same committee that I did.  
19                  You sat on the same committee. You heard the AG. You  
20                  heard the Secretary of State. Voter impersonation is not  
21                  a problem in this state. But I will acquiesce to you at  
22                  this point. I will say it is already illegal to  
23                  impersonate yourself and if you come in and sign a  
24                  declaration under penalty of perjury that you are who you  
25                  are and then are not the person you are, you will be

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1 prosecuted.

2 MR. BOHAC: Well, most voters in Texas  
3 across all parties lines, all ethnicities in a poll that  
4 was done this past April 1st through 7th, 87 percent  
5 of Democrats favor -- favor or strongly favor photo ID.  
6 About 95 percent of all Republicans and 91 percent --

7 MR. ANCHIA: I saw that question, too. I  
8 saw that same question.

9 MR. BOHAC: I get to ask the questions,  
10 Rafael.

11 MR. ANCHIA: I'm answering it. I saw the  
12 same question that was asked in that poll and,  
13 interestingly enough, there's no information in that  
14 question that lets people know what the ramifications are,  
15 that 2 million Texans will be disenfranchised. I bet you  
16 if you asked that question, you say, "Are you in favor of  
17 2 million Texans being disenfranchised," the answer would  
18 be overwhelming "no."

19 MR. BOHAC: Rafael, I did show you the  
20 question (inaudible) respected pollster in the State of  
21 Texas, and I have found the question to be very unbiased,  
22 but that was your amendment. Let me go back just for a  
23 moment.

24 So, when you strike "photo," are you  
25 actually gutting the intent of this bill?

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1 MR. ANCHIA: Yes. This bill -- this would  
2 strike -- I'm pretty sure -- if somebody will lend me the  
3 bill in front of you, but I believe it strikes -- it  
4 creates an identification requirement rather than simply a  
5 photo requirement. You're kind. Thank you. On Page 3 --  
6 just let me take a look at it real quick because i want to  
7 confirm that I'm saying the right thing.

8 Line 18, the follow documentation is an  
9 acceptable form of -- and I will strike "photo" and say  
10 "identification," okay, and that inclusive -- you can  
11 still show your driver's license, you can still show the  
12 military ID, you can still show the employee  
13 identification -- and we'll talk a little about that later  
14 because I think that creates more fraud than it seeks to  
15 solve.

16 And then the other thing that it does is on  
17 Page 4, Line 15 between safety or "or," Page 4, Line 15,  
18 it says, "a license to carry concealed handgun issued to  
19 the person by the" -- excuse me. This would create a sub  
20 A under 7. So, we're deleting the "or" from Sub 7  
21 creating another document that you can provide under  
22 Subsection D -- Subsection A of the bill.

23 MR. ALONSO: Let me ask you another  
24 question. No, Rafael, let me ask you --

25 MR. ANCHIA: I just want to provide some

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1 clarification. If you need to extend my time, I will,  
2 because I'm really sincere about this. The -- this, in  
3 fact, does not gut the bill because it says --

4 MR. BOHAC: You said a moment ago yes. You  
5 answered my question "yes."

6 MR. ANCHIA: But I'm going to answer it  
7 "no" because in looking at the bill, it still says that  
8 you have to provide one form of identification from  
9 Subsection A, which includes all those things that I  
10 listed, and it adds one. It adds one. It says in  
11 addition to providing a driver's license, a military ID,  
12 a -- a citizenship document, a student identification from  
13 the state, a license to carry a concealed handgun, you can  
14 also fill out an affidavit.

15 So, the bill actually remains the same in  
16 terms of its requirement. It just adds an affidavit at  
17 the end that says, "Hey, I can say who I am under penalty  
18 of perjury and I will put myself at risk of being  
19 prosecuted and enforced against both civilly and  
20 criminally, and I'm willing to do that because I want to  
21 vote and I say I am who I am.

22 MR. BOHAC: Thank you for answering my  
23 questions, Mr. Anchia. Thank you, Mr. Bohac.

24 MR. ANCHIA: I appreciate the dialogue.

25 MR. HOCHBERG: Mr. Speaker?

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1 SPEAKER: Mr. Hochberg, for what purpose?

2 MR. HOCHBERG: Will the gentleman yield,  
3 please?

4 MR. ANCHIA: Yes, I yield.

5 MR. HOCHBERG: Mr. Speaker, thank you.

6 Mr. Anchia, this whole bill is hinged on the fact that the  
7 impression that a photo ID -- that a driver's license is  
8 somehow this perfect document.

9 Is it possible to fake a driver's license?

10 MR. ANCHIA: It happens all the time.  
11 College students do it regularly. In fact, this bill does  
12 not create any more integrity or security in the system.  
13 It is clear that you can buy any of the documents on this  
14 bill and have them forged. College students do it all the  
15 time to drink. And the one thing that's really curious is  
16 in this bill is under Subsection C, any employment ID is  
17 good enough.

18 Now, how are you going to get a poll worker  
19 to determine that the ID from Dunham & Dunham is -- is  
20 right? How are you going to get someone from Hockberg &  
21 Associates -- someone who works at Hockberg &  
22 associates -- to be able to verify the IDs that you pass  
23 out to your employees? That creates a huge problem. I'll  
24 speak to that in another amendment, but I think this is,  
25 frankly, going to create more fraud potentially than it

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1 seeks to address.

2 MR. HOCHBERG: So, the amendment that  
3 you've got before us where you're getting a signed  
4 statement that's enforceable by law, is that Mr. Noriega's  
5 false ID?

6 MR. ANCHIA: This is clearly a fraud. This  
7 is a Texas State Official identification card, and the  
8 person in this picture has hair. I mean, this is clearly  
9 a fraudulent document.

10 MR. HOCHBERG: So, he wouldn't be able to  
11 vote, though, if he presented that.

12 MR. ANCHIA: The reality is that people  
13 probably wouldn't recognize him because the person in that  
14 picture doesn't look like the person who is here today.

15 MR. HOCHBERG: Let me ask you something  
16 else. We've been talking throughout this discussion about  
17 the evidence that there was for voter fraud and about dead  
18 people voting and, growing up in Chicago, I'm certainly  
19 sensitive to the concept of dead people voting.

20 Have you looked at the paperwork that  
21 Representative Brown was kind enough to let me peruse that  
22 she was showing us as her evidence?

23 MR. ANCHIA: I have. I have. Some of  
24 those same documents are the same ones that we saw at the  
25 committee hearing, that's right.

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1 MR. HOCHBERG: Well, would it surprise you  
2 to know that this evidence that Ms. Brown has offered us  
3 has no evidence of voting since the year 2000?

4 MR. ANCHIA: Well, no, that doesn't  
5 surprise me. Again, not only -- not only did the  
6 documents that we received from Harris County have no  
7 examples of voter impersonation, but the Secretary of  
8 State, the attorney general. Nowhere in any of the  
9 scholarly peer-reviewed documentation that we've taken a  
10 look at on the subject is there one example of voter  
11 impersonation. And, frankly, none of the cases related to  
12 voter fraud -- none of the cases related to voter fraud  
13 that are highlighted in any of those documents would be  
14 fixed by 218. HB218 doesn't fix the problem that you have  
15 there before you, Mr. Hochberg.

16 MR. HOCHBERG: Do you know what was used as  
17 the source? What we heard was that these were a bunch of  
18 people who had died and they were still voting.

19 Do you know what the source of the death  
20 information was on this?

21 MR. ANCHIA: No, I don't.

22 MR. HOCHBERG: A website called  
23 [rootsweb.com](http://rootsweb.com), a free genealogy website.

24 SPEAKER: -- point of order is well-taken  
25 and sustained.

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1 Chair recognizes Brown in opposition.

2 MS. BROWN: Speaker, members, I have to  
3 move to table this amendment. The question is how can the  
4 DA easily prosecute for voter ID if there's no  
5 verification mechanism? The person who signs their name  
6 says that they are who they say are and that's it, there's  
7 no documentation that they can present.

8 So, I think it's just another -- another  
9 evidence of things that would weaken the bill and would  
10 not give us the desired results. I move to table.

11 SPEAKER: Chair recognizes Mr. Anchia to  
12 close.

13 MR. HOCHBERG: I'm sorry, Mr. Speaker. I  
14 was waiting to ask Ms. Brown if she would yield. Did  
15 she -- has she left the -- will she come back for  
16 questioning?

17 SPEAKER: The lady yields.

18 MR. HOCHBERG: Thank you for doing that,  
19 Representative Brown. Let me ask you the same questions  
20 that I just asked Mr. Anchia.

21 Isn't it pretty easy to fake a driver's  
22 license? Don't we have problems with alcohol enforcement  
23 and cigarette purchase enforcement and everything else  
24 because fake driver's licenses are fast and easy to obtain  
25 and if somebody wanted to fraudulently vote, couldn't they

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1 come up with the fake document?

2 MS. BROWN: I think that it's obvious it  
3 can be done. We've seen examples of it, and this is not  
4 going to solve all our problems. It's not a perfect bill.  
5 It's one step. It is one step towards providing those  
6 people who want to prosecute go after those people who are  
7 voting illegally, who are presenting themselves as someone  
8 they are not, giving our enforcement people a tool that  
9 they can use. We're not just going to say, "Okay. You  
10 enforce these voter laws that we're passing." We're  
11 saying, "Here's a tool that you can use."

12 MR. HOCHBERG: But in the process of having  
13 this tool that you claim we would have, there is a  
14 possibility that people -- you recognized with the people  
15 over 80 -- that you are creating barriers for some folks.  
16 Let me ask you about the evidence that you showed us. You  
17 were very kind in allowing me to look at this, and I've  
18 had a chance during the however many hours we've had on  
19 this bill to actually look at these.

20 Do you know what the total -- this looks  
21 like a pretty big stack. How many supposed frauds are  
22 there in this stack?

23 MS. BROWN: I didn't count them.

24 MR. HOCHBERG: Would you be surprised to  
25 know that it's 44? Would you also be surprised to know

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1 that none of them -- that almost all of them are from 1998  
2 and 1996 with just a few from the year 2000 and none more  
3 recently?

4 MS. BROWN: Do you know why that is? Would  
5 you like to know why that is? Because they came from  
6 Harris County, and Harris County has been working  
7 diligently since the year 2000 to clean up their voter  
8 rolls.

9 MR. HOCHBERG: Very good. So, we don't  
10 have the problem in Harris County anymore?

11 MS. BROWN: I didn't say it was completely  
12 taken care of because they have about a quarter of a  
13 million names that they haven't been able to cross-match  
14 with driver's license, Social Security numbers, or any of  
15 that.

16 MR. HOCHBERG: Yes, ma'am. Are you aware  
17 that --

18 MS. BROWN: -- those people who have voted  
19 and there's no way to know definitely.

20 MR. HOCHBERG: Ma'am, are you aware that  
21 nationwide roughly -- roughly 30 percent of all the names  
22 that are submitted to Social Security for matching from an  
23 elections office -- anywhere in this nation -- 30 percent  
24 don't match those files for one reason or another?

25 MS. BROWN: And that just points to the

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1 great need --

2 MR. HOCHBERG: Do you really believe that  
3 30 percent of the people --

4 MS. BROWN: -- work on those lists and make  
5 sure we do clean them up as much as we can.

6 MR. HOCHBERG: Absolutely. Do you believe  
7 that that means that 30 percent of the people who are  
8 registered to vote are fraudulent?

9 MS. BROWN: No, not necessarily.

10 MR. HOCHBERG: So, the numbers that we that  
11 don't match --

12 MS. BROWN: It could be that high, but I  
13 don't have any means --

14 MR. HOCHBERG: I don't think so either. In  
15 fact, the numbers from DPS are only 10 percent, where  
16 30 percent aren't matching in Social Security.

17 Don't you believe that that means that  
18 we've got a problem in the matching system? So, when you  
19 talk about the number that are not matched in Harris  
20 County, you don't have any evidence that any of those are  
21 fraudulent. You just know that right now they haven't  
22 matched?

23 MS. BROWN: I think any time that you find  
24 on the record that someone has voted fraudulently who  
25 hasn't been -- who is not alive, for one thing --

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1 MR. HOCHBERG: We haven't had any of those  
2 not alives since the year 2000 in the evidence you've  
3 presented.

4 MS. BROWN: I think from other counties we  
5 have because we've had evidence presented from other  
6 counties besides Harris County. It's just they had the  
7 majority of the documentation and we ran with that.

8 MR. HOCHBERG: Ma'am, the documentation  
9 that you provided from Harris County, the determination  
10 that these people are no longer with us on this Earth is  
11 based on -- is based on what? Do you know how they  
12 determined that these people were allegedly dead?

13 MS. BROWN: I think it's from death  
14 records.

15 MR. HOCHBERG: Ma'am, if you'll look on the  
16 bottom of those pages that are printed out that show that,  
17 these are from a website on the web, a free genealogy  
18 website.

19 Have you looked at that website?

20 MS. BROWN: I personally haven't. My  
21 husband does a lot of genealogy --

22 MR. HOCHBERG: If you look on that website,  
23 one of the things it says right on the website is "You may  
24 in fact find problems with this. You may find people that  
25 are very much alive listed as dead on this website," and

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1 it proceeds to tell you how to correct the website.

2 Now, are we using that as evidence that  
3 dead people are voting?

4 MS. BROWN: I think this is just one  
5 mechanism that they had for printing out.

6 MR. HOCHBERG: This was everything that you  
7 gave us. Every one of them has that on it.

8 MS. BROWN: That's what was given me from  
9 Harris County.

10 MR. HOCHBERG: So, you have nothing else  
11 from Harris County that you can bring us as evidence that  
12 this problem exists and is significant?

13 MS. BROWN: No, I think we did have some  
14 more information from Harris County. Given a little bit  
15 of time, I can present it.

16 MR. HOCHBERG: I would ask you to present  
17 it if you have more evidence because waving a bunch of  
18 papers that don't show what they portend to show doesn't  
19 build a convincing case for your bill. Thank you, ma'am.

20 MR. COLEMAN: Mr. Speaker?

21 SPEAKER: Representative Coleman, for what  
22 purpose?

23 MR. COLEMAN: Will the gentle woman yield  
24 for a question?

25 MS. BROWN: I yield.

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1 MR. COLEMAN: I'm looking at  
2 Mr. Bettencourt's letter, and it talks about -- and I  
3 think this is -- and how about you? On here it talks  
4 about those that don't have a match with the Department of  
5 Public Safety from an ID saying that 1,783,000 voters in  
6 Harris County, 182,366 cannot be validated against the  
7 Texas Department of Public Safety's matching criteria with  
8 first name or last name.

12 MS. BROWN: It's possible, but not  
13 probable. I would say because --

14 MR. COLEMAN: But since that's not a  
15 requirement now, the letter that you've handed out -- and  
16 I think this is the reason Mr. Anchia is bringing his  
17 amendment -- it says very clearly that 183,366 people do  
18 not have IDs in the system. So, if they don't have IDs in  
19 the system, that means that they are operating without one  
20 because they don't need one; is that correct?

21 MS. BROWN: They don't have to present an  
22 ID. In fact, the only reason they are on there as not  
23 having an ID is because when they registered to vote on  
24 this application card I have here, you check a box if you  
25 don't have a Texas driver's license or personal

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1 identification number. You check a box if you don't have  
2 a Social Security number. And many people choose just not  
3 to do that because they don't want to admit they have any  
4 identification because they know that they could be  
5 tracked with it.

6 MR. COLEMAN: The point of the matter is  
7 that when asked, those folks said, "No, I don't." And  
8 since they said that, taking them at their word, then that  
9 means 10.2 percent of those folks on the voter rolls have  
10 no ID now. So, those individuals would be potentially  
11 disenfranchised; isn't that correct?

12 MS. BROWN: Absolutely not. We have  
13 records that -- there's a million and a half more people  
14 have driver's licenses that are registered to vote to  
15 begin with. So, we know that there are a lot of --

16 MR. COLEMAN: Isn't it true that the number  
17 of people with driver's licenses and the number of people  
18 with voter registration cards is not an overlapping list?

19 MS. BROWN: Well, in all cases, it's not.  
20 They are also --

21 MR. COLEMAN: -- driver's license, aren't  
22 they potentially disenfranchised under this bill?

23 MS. BROWN: I think we're doing these  
24 people a real favor when we suggest to them that they need  
25 to go to DPS and get a photo ID.

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1 MR. COLEMAN: Why are we doing them a  
2 favor?

3 MS. BROWN: Because moving around in  
4 today's society, you need to present proof of your  
5 identity everywhere you go.

6 MR. COLEMAN: That's a bad thing, I think.

7 MS. BROWN: Would you rather the people got  
8 on the airplane with you didn't have to prove they were  
9 who they said they were?

10 MR. COLEMAN: Some people don't fly, so  
11 they don't need to have an ED.

12 MS. BROWN: -- Blockbuster? Do they have a  
13 library card?

14 MR. COLEMAN: Believe me, you can have any  
15 kind of card to go to Blockbuster. Let me ask you another  
16 question. Under the provisional ballots now where you go  
17 in and you say, "I am a voter" and you don't have your  
18 voter registration card, don't you do an affidavit the  
19 same way that Mr. Anchia is talking about in his amendment  
20 to say you are who you are and then your vote will be held  
21 to the side proving -- once it's proven that's who you  
22 are?

23 MS. BROWN: You say that you don't have  
24 your voter registration card --

25 MR. COLEMAN: That's correct?

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1 MS. BROWN: Yes. It's not the same level.

2 MR. COLEMAN: If we take that affidavit as  
3 proof that you are a valid voter on a provisional ballot,  
4 why is it that we can't do that on -- in this case where  
5 he says if you don't have an ID that you can do an  
6 affidavit to say who you are under threat of prosecution?  
7 Why isn't that enough?

8 MS. BROWN: What do you think is the  
9 likelihood of someone not having a photo ID, not having  
10 some kind of a document that's mailed to their house with  
11 their name and address on it?

12 MR. COLEMAN: 2.2 percent in Harris  
13 County --

14 SPEAKER: The gentleman's -- the lady's  
15 time is expired. The point of order is well-taken and  
16 sustained.

17 Chair recognizes Mr. Anchia to close.

18 MR. ANCHIA: Mr. Speaker, members, this is  
19 a very simple amendment. It does not gut the bill. It  
20 adds an additional opportunity for someone to identify  
21 themselves in the bill. It says if you've got your  
22 license, great, if you've got your military ID, terrific,  
23 you can show that -- and that's all proof of  
24 citizenship -- proof of identity. In fact, it doesn't  
25 change the rules. If you have one of those documents, you

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1 are allowed to vote. The only thing that it changes is  
2 that if you don't, like about 2 million Texans today and  
3 about 10 percent of the population in Harris County, which  
4 is what we got from that dialogue, you can issue a -- you  
5 can affirm that you are, in fact, under penalty of perjury  
6 the person who you say you are. And the important thing  
7 about that, ladies and gentlemen, is the DA can be  
8 forwarded those documents, the DA can receive those  
9 documents, and investigate. And if you are not the person  
10 you say you are, you will be prosecuted. You will pay  
11 civil and criminal penalties. You will go to jail. And  
12 if you don't think that's enough of a deterrent for people  
13 for a problem that is yet to be established as existing,  
14 then I don't know what the intent of the --

15 SPEAKER: For what purpose, Mr. Hochberg?

16 MR. HOCHBERG: Will the gentleman yield?

17 MR. ANCHIA: Yes, I yield.

18 MR. HOCHBERG: Mr. Anchia, have you seen  
19 what Ms. Giddings has, been walking around with?

20 MR. ANCHIA: No, I haven't.

21 MR. HOCHBERG: Ms. Giddings has what  
22 appears to be a Texas driver's license made out to someone  
23 named Helen Giddings with a picture on it that is nothing  
24 like the Helen Giddings we know that was used as identity  
25 fraud -- in committing identity fraud and the document she

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1 gave me says there was ultimately a conviction, but would  
2 that imply to you that relying on -- on a driver's license  
3 is not going to stop somebody who wants to commit fraud?

4 MR. ANCHIA: Here's the reality. What  
5 we're trying to do here is create a rule that penalizes  
6 the 99.99 percent of the people who are following the law  
7 to try to catch one person. Essentially what we want to  
8 do here with HB218 is burn down the entire forest because  
9 we think there's some termites in the forest. We want to  
10 burn down the entire East Texas Piney Woods because there  
11 may be -- we don't know -- there may be -- even better.  
12 We've heard of the Sasquatch, haven't we, Big Foot? We  
13 don't know if Big Foot exists. There may be some evidence  
14 that Big Foot exists. We're going to burn down the entire  
15 forest just to make sure that he doesn't exist. And  
16 that's what we're really doing here, and it really is a  
17 shame. I will tell you --

18 MR. BERMAN: Mr. Berman, will the gentleman  
19 yield?

20 SPEAKER: Will the gentleman yield?

21 MR. ANCHIA: Yes, I yield.

22 MR. BERMAN: In your amendment, is it  
23 notarized? Is that how you make it foolproof?

24 MR. ANCHIA: It is under penalty of  
25 perjury.

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1 MR. BERMAN: Well, you mean just the  
2 person's signature?

3 MR. ANCHIA: It is an affirmation that you  
4 are the person who you say you are under penalty of  
5 perjury with the appropriate penalties and civil and  
6 criminal penalties and potential for prosecution pertinent  
7 to that.

8 MR. BERMAN: Can you do that anywhere else  
9 in our society without a notary stamp on it?

10 MR. ANCHIA: Sure, absolutely.

11 MR. BERMAN: Just your signature that --

12 MR. ANCHIA: Affirming that you are who you  
13 are. That's exactly right. (Inaudible), so we did have  
14 to notarization requirement included. If you want to  
15 require that we have notary publics among the staff of our  
16 voter -- poll workers, that's fine, too. But the reality  
17 is that you should be able to come to vote. And if this  
18 law passes and you're supposed to provide some form of ID  
19 that you go -- that you can go to a poll worker and say,  
20 "I am who I say I am, and under penalty of perjury I'm  
21 going to write my name down right here and subject myself  
22 to possible prosecution." You're talking about here is a  
23 problem that doesn't exist. So...

24 MR. BERMAN: The problem does exist today.

25 MR. ANCHIA: We've heard no testimony in

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1 committee about voter impersonation being a problem from  
2 the AG and the Secretary of State.

3 MR. BERMAN: The AG has not convicted  
4 anyone because the district attorney of Harris County said  
5 that in order to convict someone we need a photo ID bill.  
6 He's not even going to take a case unless there's a photo  
7 ID bill.

8 MR. ANCHIA: My testimony was never  
9 presented to the committee, and I would have enjoyed  
10 receiving it, as well. In fact, much of the data we are  
11 receiving now was never presented before the committee.  
12 It seems like we're trying to identify data points that  
13 will support a bill that was filed last session when we  
14 had absolutely no evidence. This session when we've heard  
15 no evidence before committee and we're trying to find a  
16 little data points that will support this bill when, in  
17 fact, none exists.

18 MR. BERMAN: You know the only thing that's  
19 real here today? Mr. Gallego has a beautiful little boy  
20 there.

21 MR. ANCHIA: Just one more quick before I  
22 yield to Mr. Phillips. A couple data points that I just  
23 want to visit. Representative Brown has suggested that  
24 there are more driver's licenses in the State of Texas  
25 than registered voters. I believe her when she says that.

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1 I believe her when she says that, and it is because  
2 there's not an overlap between registered voters and  
3 driver's licenses. In fact, that 1.5 million is probably  
4 accounted for by the legal permanent residents who are  
5 ineligible to vote but nonetheless have photo ID. That's  
6 where you get that extra 1.5 million, people who are legal  
7 permanent residents of this state who have a photo ID.

8 MR. BERMAN: Legal permanent residents or  
9 illegal permanent residents? Because we have 4.5 illegal  
10 aliens in Texas and most of them have driver's licenses.

11 MR. ANCHIA: Read my lips. Legal permanent  
12 residents of the state are eligible to receive valid  
13 driver's licenses, and that's why we have the discrepancy  
14 of about 1.5 million between the people who actually have  
15 licenses and the people who are registered to vote.

16 The other piece of that is young people who  
17 are not registered to vote and also have licenses. That  
18 accounts for the discrepancy. I just wanted to discuss  
19 that data point with you.

20 MR. BERMAN: If your constituents cannot  
21 get an electric bill or a gas bill or any kind of a  
22 utility bill to take to the polls, how is it so much  
23 easier to get some sort of affirmation that could be  
24 either notarized or signed by themselves and used on a  
25 typewriter -- how are you going to get this thing to them?

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1 MR. ANCHIA: This is how this affects  
2 Ms. Mary Jones of my district. I won't use her real name.  
3 She is 79 years of age, and she's not covered by the  
4 exemption. She lives in the nursing home in the district  
5 that I represent. She does not have any electric bill,  
6 any water bill, any other sort of bill. She never drove  
7 because her husband drove before he passed away. So, she  
8 doesn't have a driver's license and she doesn't have a  
9 state ID, but she's registered to vote and she's been  
10 voting for the last 50 years and she's going to go to the  
11 polls under my amendment and she's going to say, "You know  
12 what? I am Mary Jones, and I am willing to take the  
13 possible prosecution if I am lying and I will, under  
14 penalty perjury, affirm that I am Mary Jones because it is  
15 that important to me." Those are the people, Mr. Berman,  
16 that I don't want to leave out in the cold.

23 MR. ANCHIA: But she wouldn't be covered by  
24 this bill, Mr. Berman. She's not employed by the nursing  
25 home. In fact, this bill only says -- a photo ID that a

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1 person could get from an employer. She's not an employee  
2 either.

3 MR. BERMAN: You just said that Mary Jones  
4 is registered to vote and since she's paying something to  
5 the nursing home. So, surely they have a record of Mary  
6 Jones paying them something.

7 MR. ANCHIA: But it isn't covered by this  
8 bill.

9 MR. BERMAN: It's covered by the bill.  
10 They can give her a statement and she can mail in a ballot  
11 and she can vote by mail-in ballot.

12 MR. ANCHIA: Her sister, Evelyn Jones,  
13 lives with her kids and doesn't have anything either  
14 because everything is in her kids' name. Those are the  
15 people that get left out, Mr. Berman. I don't doubt your  
16 sincerity, your position. I really do appreciate it and  
17 I've enjoyed serving with you on the committee. I just --  
18 I think we just have a sincere difference of opinion, and  
19 I don't want to leave people out in the cold. Thank you.

20 MR. PHILLIPS: Mr. Anchia --

21 SPEAKER: Mr. Phillips?

22 MR. PHILLIPS: I would call point of order  
23 on the gentleman's time, if that's the case. Otherwise, I  
24 would ask a question.

25 MR. ANCHIA: I'd rather you call a point of

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1 order on the time.

2 SPEAKER: Does the gentleman yield?

3 MR. PHILLIPS: If the time is given, we  
4 need to move on.

5 MR. ANCHIA: Ladies and gentlemen --

6 MR. PHILLIPS: Mr. Anchia, what you're  
7 saying is you're saying, okay, you can either do a photo  
8 ID, which is what the bill says, or you can sign a  
9 statement that you're signing under oath which you don't  
10 have to get notarized but under penalty of perjury is what  
11 the little jurat will say, correct?

12 MR. ANCHIA: It will be witnessed by the  
13 election judge. The election judge is the law at the  
14 polling place. So, you would --

15 MR. PHILLIPS: But if someone is --

16 MR. ANCHIA: I'm trying to answer your  
17 question.

18 MR. PHILLIPS: If someone is coming with  
19 the intention to commit voter fraud and vote for someone  
20 else, do you think they are going to have any qualms about  
21 signing some statement in front of people saying that they  
22 are not that person that they are trying to vote?

23 MR. ANCHIA: That's the beauty of it,  
24 Larry. I don't think it happens very often, if ever.

25 MR. PHILLIPS: You had 3 percent coming and

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1 voting in other states is what you said. You had a  
2 decrease because you had 3 percent of the people voting  
3 illegally --

4 MR. ANCHIA: Because people didn't have  
5 documents. Right, right.

6 MR. PHILLIPS: -- and knew they were going  
7 to get caught.

8 MR. ANCHIA: That's not what I said.

9 MR. PHILLIPS: But you don't know. It  
10 could go either way. It could go either way.

11 MR. ANCHIA: That's not what any of the  
12 studies suggest, Larry. That's not what any of the  
13 studies suggest. I mean, to make that claim is to not  
14 have read any of the peer-reviewed studies or any of the  
15 scholarship on this issue.

16 MR. ZEDLER: Mr. Speaker?

17 SPEAKER: Representative Zedler raises a  
18 point of order. The gentleman's time is expired. The  
19 point of order is well-taken and sustained.

20 MR. ANCHIA: Ladies and gentlemen, I ask  
21 you that you vote no on the motion to table. This is a  
22 sensible response to people who will be disenfranchised by  
23 this legislation.

24 SPEAKER: Mr. Anchia sends up an amendment.  
25 Ms. Brown moves to table. The question is on the motion

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1 to table. Vote aye or vote no, members. Show Ms. Brown  
2 voting aye. Show Mr. Anchia voting no. Show Mister --  
3 show Mr. Dean voting no. Have all voted? Being 77 ayes,  
4 68 nays, one person not voting, the motion to table  
5 prevails.

6 The following amendment. The clerk will  
7 read the amendment.

8 CLERK: Amendment by Davis of Dallas.

9 MS. DAVIS: Thank you. Mr. Speaker,  
10 members, this amendment just basically tries to protect  
11 our students that are registered voters who go to college  
12 out of -- who go to school out of state.

13 This basically just says if they provide a  
14 student ID as a form of identification from a university  
15 that's in the United States so that our students who are  
16 going to school out of state are not affected by this  
17 amendment adversely. I believe the amendment is  
18 acceptable to the author.

19 SPEAKER: Mr. Bohac, for what purpose?

20 MR. BOHAC: Just to clarify the intent,  
21 your assumption here is that if they have a college ID  
22 from, say, California, they can only come here and vote if  
23 they are registered in that particular county?

24 MS. DAVIS: Right, Mr. Bohac. We're not  
25 changing the requirements to be a registered voter. The

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1 only thing we're saying is if we're going to use student  
2 ID as a form of identification, those students who are  
3 registered but may go to school out of the State of Texas  
4 but are registered in the state are eligible voters, that  
5 that ID would be acceptable. They would be on the books  
6 already as a registered voter, but they might not have a  
7 Texas student ID. They may have an Arkansas or another  
8 state ID from a university outside of the state.

9 MR. BOHAC: Thank you. You have a good  
10 amendment.

11 MS. DAVIS: And I believe it's acceptable.

12 SPEAKER: The amendment is acceptable to  
13 the author. Are there objections? The chair hears none.  
14 The amendment is adopted.

15 The following amendment. The clerk will  
16 read the amendment.

17 CLERK: Amendment by Gonzales.

18 SPEAKER: Chair recognizes Ms. Gonzales.

19 MS. GONZALES: Mr. Speaker, members, if  
20 this bill is really about voter impersonation and you  
21 believe that a photo ID is the best way to avoid that,  
22 then you ought to like this amendment.

23 We know that many of the elderly voters,  
24 among others, do not have driver's licenses or photo IDs.  
25 What this amendment does is it permits -- not orders, but

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permits -- counties to authorize the county elections administrator or the county clerk to issue a photo ID card. This gives voters a picture ID that then they can present when they go vote, and that's all it does. It's not going to cost the state any money. It's done by the county.

7 MR. ANCHIA: Mr. Speaker?

8 SPEAKER: Mr. Anchia, for what purpose?

9 MR. ANCHIA: Will the gentle lady yield?

10 SPEAKER: Will you yield, Ms. Gonzales?

11 MS. GONZALES: Yes, I do.

12 SPEAKER: The lady yields.

13 MR. ANCHIA: This bill is .

14 control, isn't it, this amendment?

15 MS. GONZALES: Yes,

17 to work a little bit for the body?

18 MS. GONZALES: Sure. When a person goes to  
19 register to vote and they want to have their photo taken  
20 there. It's convenient. The county will be the one to  
21 actually order -- I mean, they will vote to allow the  
22 county administrator or the county clerk to issue a photo  
23 ID. The person can go, register to vote, they can get  
24 their photo taken, and they can use that card then as the  
25 ID when they go to vote.

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1 MR. ANCHIA: And isn't this more consistent  
2 with the Carter Baker Commission's findings? I know  
3 Representative Brown is exclusively focusing on one small  
4 provision of Carter Baker. Didn't Carter Baker also say  
5 that we need to make it as easy as possible for people to  
6 get their photo ID, open up multiple locations, do  
7 outreach into the community, do motor vehicle -- excuse  
8 me -- mobile voter registration, engage in same-day  
9 registration? Those are some of the other recommendations  
10 that have been completely absent from the debate today by  
11 the author? Isn't this more consistent with Carter Baker?

12 MS. GONZALES: It is. As you mentioned  
13 earlier this morning, Carter Baker was talking about how  
14 they suggested the photo ID when you have a real ID. But  
15 this will give people that trust their local  
16 administrators, their county administrator, their county  
17 clerk -- and they go to the courthouse for something.  
18 They may go when they register to vote and have their  
19 photo taken and it gives the county the right to do it or  
20 not do it as they choose.

21 MR. ANCHIA: And for a county that wishes  
22 to increase its turnout and actually promote the  
23 franchise, they would be able to participate in this  
24 project or not, but they could undertake to do their own  
25 photo identification and actually try to get more people

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1 to participate; isn't that right?

2 MS. GONZALES: Absolutely. I think what it  
3 does is it encourages counties to get people to go out and  
4 vote. It's no different than one of the items we put in  
5 there is employers being able to issue IDs. Some  
6 employers will do it, some employers won't. But the  
7 employer that's concerned about making sure its employees  
8 will go out and vote will want to do this. The county  
9 that wants to assure that it has high voter turnout will  
10 want to do this, but it will be left to the control of the  
11 county.

12 MR. ANCHIA: And they will pay for it,  
13 correct? The individual county who wants to do this will  
14 pay for it. So, it's not an unfunded mandate.

15 MS. GONZALES: That's correct.

16 MR. ANCHIA: Okay. Thank you.

17 MR. ESCOBAR: Mr. Speaker?

18 SPEAKER: Mr. Escobar, for what purpose?

19 MR. ESCOBAR: Will the representative yield  
20 for a question?

21 SPEAKER: Ms. Gonzales, do you yield?

22 MS. GONZALES: Yes, I will.

23 SPEAKER: The lady yields.

24 MR. ESCOBAR: Thank you, ma'am.

25 Representative Gonzales, I appreciate you giving me the

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1 opportunity to say a few words and ask you a question or  
2 two. We're already set up in counties where we have the  
3 ability to actually issue photos of different kinds, so it  
4 would not be a burden on the counties financially to place  
5 something like this in the process.

6 MS. GONZALES: I don't believe so, and I  
7 don't think if the citizens of the county want it, then  
8 the county commissioners aren't going to do it. County  
9 commissioners they listen to their voters. They listen to  
10 their constituents, and they're going to do this if they  
11 want to increase participation.

12 MR. ESCOBAR: Also for the benefit of --  
13 especially some of the new members here, this particular  
14 amendment went through this bill -- this type of bill last  
15 session; is that correct?

16 MS. GONZALES: Yes, sir, it is.

17 MR. ESCOBAR: I think it's really a good  
18 amendment because it would help the -- some of the  
19 questions that were asked of Representative Brown earlier  
20 or some of the comments she made in reference to the types  
21 of identification cards that could be used. This would  
22 strengthen her bill if she would accept this amendment.

23 MS. GONZALES: If I remember correctly, I  
24 believe that this was something that was acceptable to the  
25 author last session. Of course, we're here this session.

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1 I hope it will be acceptable to the author, as well.

2 MR. ESCOBAR: Thank you.

3 MS. GONZALES: I move for passage of the  
4 amendment.

5 SPEAKER: Chair recognizes Ms. Brown in  
6 opposition.

7 MS. BROWN: Mr. Speaker, members, this is  
8 an interesting idea and something that we might explore in  
9 the future, but it is far beyond the scope of the bill to  
10 start allowing or even requiring counties to now be the  
11 ones who would decide this when they don't have the  
12 database to compare and -- compare these names. We need  
13 to have this in the hands of DPS for the time being until  
14 we have set up a system by which our counties could handle  
15 it.

16 So, I don't feel comfortable at all with  
17 giving this to our counties to do without those  
18 guidelines, without the funding for it. So, I really  
19 believe this should be handled by DPS and we should leave  
20 it there. They have the facilities to do it. They have  
21 the database to handle it, to verify all of these  
22 cross-references of people.

23 So, I respectfully move to table the  
24 amendment.

25 SPEAKER: Mr. Madden, for what purpose?

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1 MR. MADDEN: Will the lady yield?

2 SPEAKER: Ms. Brown, do you yield? The  
3 lady yields.

4 MS. BROWN: Be happy to.

5 MR. MADDEN: Thank you. Ms. Brown, my  
6 concerns in looking at this amendment -- very strictly  
7 administrative also on doing this. This is -- it appears  
8 to have at least if no cost to the bill. It's certainly  
9 going to have some cost to the county that that would be  
10 doing this, isn't it?

11 MS. BROWN: I'm sure it would. It would  
12 have to.

13 MR. MADDEN: What kind of verification  
14 would there be of the accuracy of the information on this  
15 card?

16 MS. BROWN: There's no guidelines for how  
17 it should be set up. As I said, the counties would not  
18 have the database to compare statewide the names and  
19 addresses of these people. So, it's a far -- you know,  
20 it's something that we might go to in the future,  
21 something we could look into and study, but it's certainly  
22 not something that we could just jump off into right now  
23 and hope that it was going to work out all right.

24 MR. MADDEN: I wasn't there. Committee has  
25 heard this bill or not, this legislation, or this idea?

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1 Have we heard -- as far as you know, have we heard from  
2 any county suggesting this is something that they would  
3 like to do?

4 MS. BROWN: I haven't in my office.

5 MR. MADDEN: In all my times on the  
6 election committee, I will tell you I've never heard of a  
7 county coming up and wanting to do a separate  
8 identification card at any time -- voter cards. When we  
9 asked them -- I mean, when they were having to do revise  
10 and mail out voter cards but this obviously puts an  
11 additional load, does it not, on the county?

12 MS. BROWN: I agree. I agree. Thank you.

13 SPEAKER: Chair recognizes Ms. Gonzales to  
14 close.

15 MS. GONZALES: Members, this bill is  
16 permissive. This bill is not mandatory on a county. If  
17 their citizens back their county commissioners to pass  
18 this and the county commissioners choose to do it and pay  
19 for it, then why should the state have a problem with it?

20 Aside from that, who better to have the  
21 data than the actual voter registration office? They are  
22 the ones that are actually issuing the voter cards. If  
23 the county would authorize them to do the photo ID of the  
24 person -- so, when we talk about not having the data, do  
25 you think the employers have the data -- the employers

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1 have all the data on the person -- on all persons? Some  
2 employers will do it, some won't. Some counties will  
3 choose to do it, some won't. But the county elections  
4 office is going to be the ones to have the data to issue  
5 this.

6 I think it's a perfectly good amendment.  
7 We talk all the time here about local control. This gives  
8 local control, and if we're really trying to make sure  
9 that people that are entitled to vote will vote, then you  
10 ought to vote for this amendment.

11 I move for passage.

12 SPEAKER: Members, Ms. Brown moves to  
13 table. It's a record vote. Clerk, ring the bell. Show  
14 Ms. Brown voting aye, Ms. Gonzales voting no. Have all  
15 voted? There being 73 ayes and 69 nays, the motion to  
16 table prevails.

17 Following amendment. The clerk will read  
18 the amendment.

19 UNIDENTIFIED SPEAKER: I have a messenger  
20 from the Senate to the House.

21 SPEAKER: Admit the messenger.

22 UNIDENTIFIED SPEAKER: Mr. Speaker, I'm  
23 directed by the Senate to inform the House that the Senate  
24 is taking the following action. HB1098 Bonnen (inaudible)  
25 relating to immunization against human papilloma virus

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1 (inaudible).

2 SPEAKER: The following amendment. The  
3 clerk will read the amendment.

4 CLERK: Amendment by Davis of Dallas.

5 SPEAKER: The chair recognizes Ms. Davis.

6 MS. DAVIS: Thank you, Mr. Speaker,  
7 members. This is an amendment that basically it just says  
8 that if we've got them obtaining a voter ID card to vote  
9 or Texas ID card for voting that they would not have to  
10 pay a fee.

11 SPEAKER: Ms. Davis sends up an amendment.  
12 Is there objection? The chair hears none. The amendment  
13 is adopted.

14 Following amendment. The clerk will read  
15 the amendment.

16 CLERK: Amendment by Dutton.

17 SPEAKER: The chair recognizes Mr. Dutton.  
18 The chair recognizes Mr. Dutton.

19 MR. DUTTON: Thank you, Mr. Speaker,  
20 Members. Members, this is an amendment that I was sitting  
21 and chatting and thinking about the times that I go to the  
22 poll to vote, and in most cases for about 31 years my dad  
23 was the precinct judge and, after he passed away, my  
24 mother became the precinct judge. And in most cases I  
25 would pick them up that morning and I would take them to

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1 the polls where they would get set up about 6:00 o'clock  
2 that morning. So, it just occurred to me if this bill  
3 passes, even though I did that, what I would have to do is  
4 I would have to do that, I would take my mom to the polls,  
5 get the place set up, then I have to take out my ID and  
6 give it to her and tell her who I am. That didn't make  
7 sense to me.

8 MR. CORTE: Mr. Speaker?

9 SPEAKER: Mr. Corte, for what purpose?

10 MR. CORTE: I call a point of order on this  
11 amendment for further consideration. It violates Rule 11,  
12 Section 3.

13 MR. DUTTON: And I object.

14 SPEAKER: Bring your point of order down  
15 front. Point of order is withdrawn.

16 The chair recognizes Mr. Dutton.

17 MR. DUTTON: Mr. Speaker, members, again,  
18 let me try to explain this amendment. And I'm not -- I  
19 mean, if you've got your mind already made up on this  
20 bill, that's one thing, but I think you ought to listen at  
21 least to my explanation in chatting with my mother about  
22 this bill.

23 What she said is that, "So, what's going to  
24 happen is 6:00 o'clock you come and pick me up to take me  
25 to the polling place, I get out, me and all the other poll

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1 workers, we get together and set the whole thing up, and  
2 then at 7:00 o'clock when you come to vote, you mean  
3 you're going to have to go get your driver's license out  
4 of the car, bring it back, and show me to prove to me who  
5 you are?" She says, "You-all don't have enough to do in  
6 the legislature." I said, "Well, mother, you know, I  
7 think an amendment will cure that."

8 That's what this amendment does. It does  
9 two things. There's two requirements, rather. One is you  
10 have to be registered in the precinct. It has to be on  
11 the books saying that you are a registered voter in that  
12 precinct. And then it says the voter for the registrar,  
13 the precinct worker, has to know the person. The election  
14 office in that precinct has to know that person.

15 So, if I'm there, the precinct worker knows  
16 me, the election officer who is running that polling place  
17 knows exactly who I am. I don't understand why this would  
18 be a bad idea. So, for that reason, members, I would ask  
19 you to vote for this amendment.

20 SPEAKER: Mr. Dunnam, did you have a  
21 question for Mr. Dutton?

22 MR. DUNNAM: No, for the author.

23 SPEAKER: The chair recognizes Ms. Brown in  
24 opposition.

25 MS. BROWN: Speaker, members, this is

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1 another thing that sounds like it might work, but I can  
2 think of a number of reasons why it would be better for us  
3 to stay with our initial bill and to require the same  
4 thing of everyone. We're not going to make exceptions for  
5 some people. And by the way, this person that shows up at  
6 the poll thinking, "Oh, I'm not going to bother taking any  
7 ID because I think somebody there knows me," and so "they  
8 are going to let me come on in." And then they get there  
9 and, well, that person was ill that day and someone filled  
10 in for them and so now they are there without their ID.

11 It's just not a good idea. Let's make it  
12 the same across the board for everyone. You go to the  
13 polls to vote, and you take your ID with you. That's the  
14 policy, and that should be enforced.

15 So, I respectfully move to table the  
16 motion.

17 SPEAKER: Mr. Dunnam, for what purpose?

18 MR. DUNNAM: Will the lady yield?

19 MS. BROWN: I would be happy to.

20 MR. DUNNAM: Ms. Brown, I just want to make  
21 sure I understand one part of your bill. Under current  
22 law, a person as a form of photo ID can present any birth  
23 certificate; is that right?

24 MS. BROWN: Yes, as far as I know.

25 MR. DUNNAM: It doesn't have to be a

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1 certified copy? If you bring in a copy, it's acceptable,  
2 right? And you're making a change on Page 4 of your bill  
3 to now require a certified birth certificate; is that  
4 right?

5 MS. BROWN: That's right.

6 MR. DUNNAM: Thank you.

7 MR. MARTINEZ-FISCHER: Mr. Speaker?

8 SPEAKER: For what purpose, Mr. Martinez?

9 MR. MARTINEZ-FISCHER: -- House Bill 218  
10 under Rule 4, Section 32C2.

11 SPEAKER: Bring your point of order down  
12 front. Mr. Martinez-Fischer raised a point of order. The  
13 point of order is overruled. The chair recognizes  
14 Mr. Dutton.

15 Mr. Martinez-Fischer, if you want to come  
16 up, they will explain to you why your amendment was no  
17 good.

18 MR. MARTINEZ-FISCHER: That's okay. Can we  
19 just put the ruling in the journal, please?

20 SPEAKER: We will. We will. The chair  
21 recognizes Mr. Dutton.

22 MR. DUTTON: Thank you, Mr. Speaker,  
23 members. Since it's been a little bit of time since I  
24 talked about this, let me explain what this amendment  
25 does. There are two requirements imposed by this

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1 amendment for a person to vote without ID and that is,  
2 first of all, they have to be registered. They have to be  
3 on the register. And then the other requirement is that  
4 the voter has to be known by the election officer, which  
5 means that, as I said a moment ago, when my mother is the  
6 precinct judge and I go to vote, you know, it's just -- I  
7 don't know why I would take out my ID to give to my mom to  
8 tell her that I'm who I say I am. That makes no sense to  
9 me, and neither did it make any sense to her.

10 And so, that's the spirit under which I  
11 offer this amendment, members. I know that, you know,  
12 what this bill is attempting to do is to eliminate voter  
13 fraud and, if that's the purpose of the amendment, there  
14 is no better way to eliminate voter fraud than have  
15 somebody at the polling place who knows everybody in the  
16 precinct. And certainly you could start with the people  
17 who are related and the people who are at home.

18 So, that's what this amendment does. I  
19 know the argument was that we ought to apply this to  
20 everybody. It is applied to everybody. If a person shows  
21 up at the precinct and that person is on the rolls but the  
22 precinct officer or the election officer does not know the  
23 person, then that person has to have an ID. But in the  
24 instances where an ID is not required would be the place  
25 where the voter is known by the election officer and that

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1 person is already on the voting rolls.

2 And so with that, Mr. Speaker and members,  
3 I would ask you to vote "no" on the motion to table.

4 SPEAKER: Members, Mr. Dutton sends up an  
5 amendment. Ms. Brown moves to table. Clerk, ring the  
6 bell. Record vote. Show Mr. Dutton voting no. Show  
7 Ms. Brown voting aye. Have all voted? There being 75  
8 ayes, 69 nays, one person not voting, the vote to table  
9 prevails.

10 The following amendment. The clerk will  
11 read the amendment.

12 CLERK: Amendment by Villareal.

13 SPEAKER: The chair recognizes  
14 Mr. Villareal.

15 MR. VILLAREAL: Thank you, Mr. Speaker,  
16 members. This amendment would require all poll workers to  
17 attend a training program to educate them on the  
18 provisions of how Bill 218 -- how to check the various  
19 forms of identification required under this legislation.  
20 Sounds reasonable enough.

21 This amendment would make attendance  
22 mandatory for all poll workers. Looks like it's  
23 acceptable to the author. Passage.

24 SPEAKER: Members, Mr. Villareal sends up  
25 an amendment. The amendment is acceptable to the author.

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1 Any objections? The chair hears none. The amendment is  
2 adopted.

3 The following amendment. The clerk will  
4 read the amendment.

5 CLERK: Amendment by Davis of Dallas.

6 SPEAKER: Chair recognizes Ms. Davis.

7 MS. DAVIS: Thank you. Mr. Speaker,  
8 members, this amendment just basically says that we will  
9 put notice of acceptable identification. As we well know,  
10 at voting locations there's posted information, sample  
11 ballots so the voters will understand and be clear about  
12 what's appropriate or what's on the ballot.

13 This just adds another provision that will  
14 be part of that posted notice about what kinds of  
15 identification you will need to vote. I think it's  
16 acceptable to the author.

17 SPEAKER: Ms. Davis sends up an amendment.  
18 The amendment is acceptable to the author. Any objection?  
19 The chair hears none. The amendment is adopted.

20 The following amendment. The clerk will  
21 read the amendment.

22 CLERK: Amendment by Alonso.

23 SPEAKER: The chair recognizes Mr. Alonso.  
24 The chair recognizes Mr. Alonso.

25 MR. ALONSO: Thank you, Mr. Speaker,

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1 members. Members, what this amendment does is say that  
2 the Texas attorney general look at this language to  
3 determine whether it violates the Voting Rights Act under  
4 42 U.S.C. Section 93BF2.

5 SPEAKER: Chair recognizes Ms. Brown.

6 MS. BROWN: Mr. Speaker, members, this  
7 sounds like a good idea. However, this will have to have  
8 pre-clearance from the Department of Justice before it's  
9 implemented.

10 So, these requirements here, really it  
11 would be a waste of time and effort since we must go  
12 through that -- jump through that hoop before it can be  
13 implemented. So, I respectfully request that we table  
14 this amendment.

15 SPEAKER: Chair recognizes Mr. Alonso to  
16 close.

17 MR. ALONSO: Thank you, Mr. Speaker,  
18 members. Members, let me tell you what I'm trying to do  
19 with this amendment. Right now, as Ms. Brown has pointed  
20 out, this bill is going to have to go before the  
21 U.S. government in Washington to determine whether this is  
22 good legislation or not, and what I'm trying to do with  
23 this amendment is say, "Why not let Texas do it?"

24 Right now, if you know, those are chairman  
25 right now ask our attorney general to render opinions.

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1 That's not a waste of time. What we're trying to find out  
2 it is good policy or not. What I'm trying to say is let  
3 our attorney general make the decision whether this is  
4 good policy or not. And the reason I'm bringing that for  
5 his determination is that, as Ms. Brown pointed out, we're  
6 going to ask -- we're going to submit it to the  
7 U.S. government to determine whether this violates the  
8 Voter Rights Act or not. I say why not let our attorney  
9 general -- let me tell you, we've done that in this  
10 session already on several issues. Several issues that  
11 we're dealing with here in the House of Representatives.  
12 We asked the attorney general to find out what he thinks  
13 about the legislation that we're doing.

14 So, this just follows the light. It's not  
15 any different. It's not any different what I'm asking for  
16 than chairman Swifford asked or some of you folks that  
17 asked about the vaccine. I'm saying let's ask our  
18 attorney general what he thinks about the legislation,  
19 whether it violates the Voting Rights Act or not. All it  
20 is is following policy indirectly this House has already  
21 determined to follow on another issue. Let's find out  
22 about this legislation. Let's find out from our attorney  
23 general whether this passes muster or not.

24 With that, members, and because of what  
25 we're doing already, I ask that you vote "no" on the

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1 motion to table.

2 SPEAKER: Members, Mr. Alonso sends up an  
3 amendment. Ms. Brown moves to table. It's a record vote.  
4 Clerk will ring the bell. Show Ms. Brown voting aye,  
5 Mr. Alonso voting no. Have all voted? There being 76  
6 ayes, 66 nays, the motion to table the bill -- following  
7 amendment. The clerk will read the amendment.

8 CLERK: Amendment by Liebowitz.

9 SPEAKER: Chair recognizes Mr. Liebowitz.  
10 The amendment is withdrawn.

11 Following amendment. The clerk will read  
12 the amendment.

13 CLERK: Amendment by Herrero.

14 SPEAKER: Chair recognizes Mr. Herrero.

15 MR. HERRERO: Mr. Speaker, members, thank  
16 you. The amendment that I have before you -- and you can  
17 see it on your screen -- tries to address the situations  
18 that were created by the passing of HB218 in its current  
19 form.

20 HB218 in its current form, by requiring a  
21 photo ID, is essentially a poll tax. The way we can help  
22 address that is by ensuring that those forms of ID that  
23 will be necessary to vote, that there will be no fee  
24 collected for those forms of ID.

25 Therefore, the amendment you see before you

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1 would allow individuals to be exempted from having to pay  
2 the fee for those documents to be used as proof of  
3 identification necessary under this chapter.

4 I move for passage.

5 MR. BOHAC: Mr. Speaker?

6 SPEAKER: Mr. Bohac, for what purpose?

7 MR. BOHAC: I would like to raise a point  
8 of order on this amendment under Rule 11, Section 1 as to  
9 the germaneness of the amendment.

10 SPEAKER: Bring your point of order down  
11 front. The point of order is withdrawn. Chair recognizes  
12 Mr. Herrero on his amendment. The chair recognizes  
13 Mr. Bohac in opposition.

14 MR. BOHAC: Members, this is an unfunded  
15 mandate for colleges. It's unworkable. How are they  
16 going to ascertain who is requesting this ID for the early  
17 voting? I understand the intent of it, and we're already  
18 increasing the costs for colleges, and I don't think we  
19 should send them another unfunded mandate.

20 So, I respectfully move to table this  
21 amendment.

22 SPEAKER: Chair recognizes Herrero to close  
23 on his amendment.

24 MR. HERRERO: Thank you, Mr. Speaker.

25 Under this bill we're requiring individuals to have a form

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1 of ID in order to vote.

2 MR. JACKSON: Mr. Speaker?

3 SPEAKER: Will you yield, Mr. Herrero?

4 MR. HERRERO: Not this moment, Mr. Jackson.

5 I did not yield. I will in a little bit. I'm trying to  
6 explain why this is essentially a poll tax.

7 When you're requiring a photo ID or a form  
8 of ID in order to vote and that form of ID requires you to  
9 pay something in exchange for that ID necessary to vote,  
10 that is a poll tax. So, if you pass HB218 in its current  
11 form, not only will you be creating a poll tax but you  
12 will be creating an un-Constitutional law.

13 So, when you try to decide do we create an  
14 unfunded mandate or do we create or pass a law that's  
15 un-Constitutional, think about what we're doing. Think of  
16 what sort of precedent we're trying to set as a form of  
17 government in a democracy where not only we are fighting  
18 for democracy for other countries but yet now we're  
19 creating obstacles within our own.

20 The poll tax in Texas was adopted in 1902.  
21 That fee ranged from approximately a dollar 50 to a dollar  
22 75. That poll tax discriminated against individuals and,  
23 as a result, the 24th Amendment to the U.S. Constitution  
24 prohibited the use of poll taxes. Two years after that,  
25 the U.S. Supreme Court in *Harper versus Virginia Board of*

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1       Elections ruled that poll taxes in state elections were  
2       un-Constitutional.

3               When you require forms of ID necessary to  
4       vote such as a driver's license, a state military ID, a  
5       university ID, a concealed handgun permit, a passport --  
6       all of those require fees. In fact, if you go get a  
7       driver's license, it will cost you \$24 for six years and  
8       that does not cover the fees for the instruction permit or  
9       the road test. If you argue, "Well, I don't drive," that  
10      doesn't matter because under this bill you will need a  
11      form of ID. So, even if you don't drive and you're not in  
12      school and you don't get a university ID, if you're  
13      retired and you don't have an employer to give you ID,  
14      you're no longer military or have never been in the  
15      military and you don't carry a gun, well, you still need a  
16      form of ID to vote and that ID is not free. There's a  
17      cost associated with obtaining that fee (sic). The fee  
18      for a Texas ID card is \$15 for those under 60 years of  
19      age. That card will expire in six years. For those  
20      individuals that are 60 years of age or older, the cost  
21      for that ID is \$5.

22               So, regardless of how you look at this  
23      bill, the net result is that you have to pay in order to  
24      vote because without that ID this bill will prohibit you  
25      from being able to vote. That's why the amendment is

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1 being offered as a way to show that there is not a fee  
2 being collected in order to obtain those IDs necessary to  
3 be presented in order to allow a person to vote and that's  
4 why I'm asking for your support. And I yield,  
5 Mr. Speaker.

6 MR. JACKSON: Mr. Speaker, does the  
7 gentleman yield?

8 MR. HERRERO: I do.

9 MR. JACKSON: Did you miss Representative  
10 Brown's -- one of her first amendments was to say that if  
11 the person said they couldn't afford the ID card for the  
12 State of Texas that it was free, there is no charge?

13 MR. HERRERO: If I understood the  
14 amendment, it talked about if the person says they are  
15 unable to afford it that they will be issued an ID, but  
16 it's discretionary.

17 MR. JACKSON: What do you mean it's  
18 discretionary?

19 MR. HERRERO: If you tell me that you can't  
20 afford it, I could easily just say, "No, I want you to pay  
21 it."

22 MR. JACKSON: That's not what the amendment  
23 said. The amendment said if they say they can't afford  
24 it, they have got to issue a free ID card. So, there is  
25 no poll tax. There is no cost. There is no charge. I

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1 think you just missed the amendment.

2 MR. HERRERO: In my opinion --

3 MR. JACKSON: Maybe you should go back and  
4 review it.

5 MR. HERRERO: I can review it as many times  
6 as I want, but essentially even if I don't go for a photo  
7 ID -- if I go to go get a driver's license and I have to  
8 pay to get that form of ID, if that's the form of ID that  
9 I choose to use to comply with this law --

10 MR. JACKSON: You don't have to have a  
11 driver's license. You have to have a driver's license to  
12 drive. The court's already ruled on this. It's not a  
13 poll tax.

14 MR. HERRERO: If you have to pay to vote --  
15 and in this case you have to pay to get some form of ID to  
16 vote --

17 MR. JACKSON: If you want to drive, you  
18 have to pay. If you want an ID card and you use it for  
19 voting, then you go and tell them that you can't afford  
20 the ID card and need one that is free. So, if it's free,  
21 it can't be a poll tax.

22 MR. HERRERO: So, if I go and I'm not given  
23 that information and I don't know that I have the option  
24 to pay it, which there's no notice required under this  
25 law, if I go and the DPS officer says, "That is going to

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1 cost you, Mr. Herrero, \$15 to get your photo ID" -- it  
2 doesn't say -- because it's not required under the  
3 amendment, unless you see it somewhere -- and please tell  
4 me if it is in there, but otherwise it's not in there,  
5 Mr. Jackson. So, being no notice requirement there are a  
6 lot of laws out there with certain requirements or waiting  
7 to get passed the voter ID, the poll tax provision but in  
8 a nutshell there's no way around the fact that this is an  
9 un-Constitutional bill that if passed would be held  
10 un-Constitutional because you're requiring someone to pay  
11 in order to vote. Whether it's a driver's license, the  
12 form of any ID, any form which is considered to be an  
13 acceptable form of ID, you're required to pay to get that  
14 ID.

15 MR. JACKSON: That's just not true. And  
16 the poll tax makes a good sound byte, but it's just not  
17 true in this case.

18 MR. HERRERO: If I'm having to pay to vote,  
19 then it is a poll tax. Whether I'm having to show a piece  
20 of paper or a document with my ID on it, I'm still having  
21 to pay to get that to vote.

22 MR. CASTRO: Will the gentleman yield?

23 MR. HERRERO: I yield.

24 SPEAKER: The gentleman yields, Mr. Castro.

25 MR. CASTRO: In order to vote under this

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1 new bill, somebody would have to either get a driver's  
2 license or they have to get this personal identification  
3 card. And we also see that on Page 6 of the bill -- I  
4 have the scaled version, the 8 and a half by 11 version,  
5 and in that version it's on Page 6 -- that the fee for  
6 personal identification card varies according to your age.

7 So, in essence we're charging different  
8 people of different ages different prices to vote or we  
9 could be at least; isn't that right?

10 MR. HERRERO: That's correct. Based on the  
11 information we obtained, for people 60 years of age or  
12 younger it's \$15 for the ID. If you're over 60 years of  
13 age, it's \$5. So, yes, you're charging different amounts  
14 to -- different prices to different people in order to  
15 vote.

16 MR. CASTRO: Just to vote?

17 MR. HERRERO: Just to vote. And it's  
18 important to note that under the current system, the U.S.  
19 law, there's no fee in order to vote. When you go  
20 register to vote, you don't get charged a fee. When you  
21 get your voter identification card, there's no fee  
22 associated with that. You're not required to pay  
23 something in order to vote. Under this bill, you're  
24 required to pay.

25 MR. CASTRO: Now, there's a section

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1 underneath that says you can sign an affidavit saying that  
2 you're unable to pay this fee and that they will give it  
3 to you for free.

4 Do you see any standards set up for the  
5 department to determine whether you are actually unable to  
6 pay?

7 MR. HERRERO: No, there's not. And even  
8 under the amendment there's no notice requirement.  
9 There's no way of ensuring that a person's right to vote  
10 is actually protected.

11 MR. CASTRO: So, somebody going in there  
12 making a hundred thousand dollars could go in and sign an  
13 affidavit or somebody going in making \$10,000 could sign  
14 an affidavit?

15 MR. HERRERO: Even under the amendment  
16 under that scenario or even under the amendment someone  
17 could just literally say that they are not -- don't have  
18 the money and they would be given an ID. But the point  
19 here is not about whether you can afford it or not. The  
20 point is that there's a fee associated in order to get a  
21 form of ID necessary to vote.

22 MR. CASTRO: But under the original bill  
23 there's no criteria to determine eligibility -- financial  
24 eligibility, basically?

25 MR. HERRERO: None at all whatsoever.

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1 MR. STRAMA: Will the gentleman yield?

2 MR. HERRERO: I yield.

3 MR. STRAMA: Have you looked at the fiscal  
4 note on the bill as it was reported from committee?

5 MR. HERRERO: I have not.

6 MR. STRAMA: The fiscal note on the bill  
7 says that it's going to cost no state general revenue,  
8 which I know Mr. Chisholm will be pleased to hear, but it  
9 will cost \$177,000 out of the Mobility Fund coming out of  
10 the money that we need to build roads.

11 We've added an amendment to the bill today  
12 that liberalizes the ability for people to get free  
13 identification cards, which would add to that  
14 177,000-dollar a year fiscal note out of the Texas  
15 Mobility Fund; is that correct?

16 MR. HERRERO: I'll take your word for it,  
17 Representative Strama.

18 MR. STRAMA: Have you listened to the floor  
19 of this House this session about how we've got to stop  
20 raiding the Mobility Fund to pay for things that don't  
21 have anything to do with roads?

22 MR. HERRERO: I do. And again, whether  
23 you're having to pay for it or not, the point is that  
24 there's a fee associated with the need to vote. That's  
25 why it's a poll tax, on top of the cost that it's going to

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1 be incurred to the state.

2 MS. HODGE: Mr. Speaker?

3 SPEAKER: Ms. Hodge, for what purpose?

4 MS. HODGE: Will the gentleman yield?

5 MR. HERRERO: I yield.

6 MS. HODGE: Representative Herrero, I've  
7 got some real concerns about the ability to get any of  
8 these documents that you need for free if you say you are  
9 unable to pay. Since you have to sign an affidavit to do  
10 that, it appears that I would have to be the one to  
11 determine whether or not I could pay for the document. It  
12 doesn't say anything about how much money I have to make.  
13 It doesn't say sliding scale payment. So, if I sign an  
14 affidavit saying that I cannot pay and I get the documents  
15 for free, would at any point I ever be accused or charged  
16 with falsifying a governmental document?

17 MR. HERRERO: That would be a charge that  
18 could be made. There's no provisions under the bill for  
19 that form of either notice requirement, protection of  
20 civil rights, or the issues that you've pointed out,  
21 Representative Hodge.

22 MS. HODGE: So, each individual person then  
23 that go to pick up a form, they would make the decision  
24 themselves as to whether or not --

25 SPEAKER: -- raised a point of order. The

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1 gentleman's time has expired. The point of order is  
2 well-taken and sustained.

3 MR. HERRERO: I ask that you move against  
4 the motion to table.

5 SPEAKER: Members, Mr. Herrero send up an  
6 amendment. Ms. Brown moves to table. All in favor, vote  
7 aye. Opposed, vote no. It's a record vote. Clerk, ring  
8 the bell. Show Ms. Brown voting aye. Show Mr. Herrero  
9 voting no. Have all voted? There being 78 ayes, 67 nays,  
10 the motion to table prevails.

11 The following amendment. The clerk will  
12 read the amendment.

13 CLERK: Amendment by Herrero.

14 SPEAKER: Chair recognizes Mr. Herrero.

15 MR. HERRERO: Thank you, Mr. Speaker.  
16 Again, as the bill stands, you create a poll tax. In the  
17 last effort to try to eliminate the poll tax provision of  
18 this bill, I've offered this other amendment. This  
19 amendment is limited only to personal ID cards so that  
20 there's no fee in obtaining a personal Texas ID card, and  
21 I ask that you please consider this amendment because as  
22 the bill stands there's currently a poll tax.

23 I move for passage.

24 SPEAKER: Chair recognizes Ms. Brown.

25 MS. BROWN: Mr. Speaker, members, perhaps

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1                   this would be a poll tax if we accepted this amendment and  
2                   started collecting a fee on it. All the things that  
3                   Mr. Herrero referred to are things that people already  
4                   have in their possession. They acquire them for another  
5                   purpose and then they're able to use them to vote with the  
6                   exception of the photo ID, in case of not having a voter  
7                   registration card.

8                   So, I have to move to table this amendment.

9                   SPEAKER: Chair recognizes Mr. Herrero.

10                  MR. HERRERO: Mr. Speaker, I think we've  
11                  understood the arguments. If you're against poll taxes  
12                  and you want to do what Representative Brown has indicated  
13                  that we do as elected officials, which is we take an oath  
14                  of office, we serve to uphold the laws of the United  
15                  States, of the state, I ask that you vote against the  
16                  motion to table and you make a statement against poll  
17                  taxes.

18                  SPEAKER: Members, Mr. Herrero sends up an  
19                  amendment. Ms. Brown moves to table. All those in favor,  
20                  vote aye. Opposed, vote nay. It's a record vote. Clerk,  
21                  ring the bell. Show Ms. Brown voting aye, Mr. Herrero  
22                  voting no. Have all voted? Being 77 ayes, 66 nays, one  
23                  person not voting, the motion to table prevails.

24                  Following amendment. The clerk will read  
25                  the amendment.

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1 CLERK: Amendment by Heflin.

2 SPEAKER: Chair recognizes Mr. Heflin.

3 MR. HEFLIN: Thank you, Mr. Speaker.

4 Ladies and gentlemen, this amendment strictly directs the  
5 Secretary of State to adopt training standards under  
6 32.111 of the Election Code whereas they have standardized  
7 elections across the state so all the training for our  
8 election workers is consistent, where everybody knows what  
9 they are doing. And this just provides the Secretary of  
10 State include in their training provisions on handling  
11 these documents of identification, verifying whether they  
12 are good documents or not good documents. This just  
13 assures that we have standardized elections across the  
14 State of Texas.

15 SPEAKER: Mr. Heflin sends up an amendment.  
16 The amendment is acceptable to the author. The amendment  
17 is adopted.

18 Following amendment. The clerk will read  
19 the amendment.

20 CLERK: Amendment by Heflin.

21 SPEAKER: Chair recognizes Mr. Heflin.

22 MR. HEFLIN: Thank you, Mr. Speaker.

23 Ladies and gentlemen, this amendment clearly takes us out  
24 of the poll tax issues, provides that any person who is a  
25 registered voter in this state and presents a valid voter

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1 registration certificate or anyone who is eligible for  
2 registration Under Section 13.001 of the Election Code and  
3 makes a statement that the person is seeking documents to  
4 use to register to vote, notwithstanding that the  
5 Department of Public Safety may not charge any fee for the  
6 issuance of a personal identification card or any HEC  
7 institution of political subdivision may not charge any  
8 fee for the issuance of a birth certificate or any  
9 document required to be submitted for the issuance of a  
10 personal identification card.

11 This is for a limited time only until  
12 September 1, 2009. This gives all those people that are  
13 currently have voter registration certificates but don't  
14 have photo IDs or who are eligible to have voter  
15 certificates that don't have the documentation, this gives  
16 them a chance to get in and get registered to vote. This  
17 is a good bill, and it will --

18 SPEAKER: Will you yield, Mr. Heflin?

19 MR. HEFLIN: I will yield.

20 MR. MADDEN: Mr. Heflin, can you give us --  
21 what's the fiscal note on this?

22 MR. HEFLIN: Actually, the fiscal note to  
23 the voter is zero.

24 MR. MADDEN: That's not what the State of  
25 Texas is interested in, though. The State of Texas is

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1 interested in what's the fiscal note to the State of Texas  
2 and to its counties and other --

3 MR. HEFLIN: What did we collect in our  
4 last poll tax?

5 MR. MADDEN: That's not the question. The  
6 question to you is what's the fiscal note on the amendment  
7 you've just put forward?

8 MR. HEFLIN: The fiscal note is that those  
9 who need a personal identification card as provided by law  
10 under this bill would be allowed to do so without being  
11 charged a penalty for voting.

12 MR. MADDEN: There's a cost, is there not,  
13 on providing that personal ID free of charge which is then  
14 passed on to either our state or to our local entities  
15 that this bill is, in fact, going to be a large unfunded  
16 mandate, is it not?

17 MR. HEFLIN: I did not draft the bill.

18 MR. MADDEN: I understand.

19 MR. HEFLIN: But the whole bill is an  
20 unfunded mandate. It's an unfunded mandate because  
21 there's going to have to be extra workers to handle all  
22 the extra documents. There's going to have to be extra  
23 workers by the Secretary of State to teach everyone how to  
24 do this. So, the whole bill is an unfunded mandate.

25 MR. MADDEN: -- good share of that, but on

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1                   your portion of it can you tell us how much more you're  
2                   adding in addition -- if you think there was an unfunded  
3                   mandate, how much additional are you adding to it?

4                   MR. HEFLIN: I cannot provide that to you.  
5                   I do not have a clue.

6                   MR. MADDEN: Thank you.

7                   SPEAKER: Chair recognizes Ms. Brown.

8                   MS. BROWN: Mr. Speaker, members, we have  
9                   already dealt with this. We've taken care of the cost if  
10                   anyone can't afford the photo ID to be issued. So, we  
11                   keep -- keep hearing about the unfunded mandate and the  
12                   poll tax, and all of that it really is a non-issue. The  
13                   Supreme Court has already ruled that requiring a photo ID  
14                   is not an equivalent of a poll tax. And the -- excuse me.  
15                   The fiscal note on this bill is also a red flag to go up.  
16                   I do move to table this because it -- it's not going to be  
17                   helpful to the bill. Thank you.

18                   SPEAKER: For what purpose?

19                   MR. CASTRO: Will the gentle lady yield for  
20                   a question?

21                   SPEAKER: Ms. Brown, do you yield? The  
22                   lady refuses. The chair recognizes Mr. Heflin to close.

23                   MR. HEFLIN: Thank you, Mr. Speaker.

24                   Ladies and gentlemen, this is a poll tax. We're going to  
25                   charge people \$15 or \$5 or \$30 to get these documents in

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1 order to be able to vote. This is a poll tax for poor  
2 people. The House today, we are setting back voters'  
3 rights in the State of Texas however many years because we  
4 are going to enact a poll tax. You know, this only goes  
5 to 2009. This will allow those people the opportunity to  
6 get in and get their voter registration ID that would be  
7 required to vote. It clears up the system.

8 This is a good amendment. If we care about  
9 Texas, if we care about the elderly of Texas, if we care  
10 about the future voters of Texas, ladies and gentlemen, we  
11 do not need to make it a --

12 MR. BOHAC: Will the gentleman yield for a  
13 question?

14 SPEAKER: Mr. Heflin, do you yield?

15 MR. HEFLIN: I will yield.

16 SPEAKER: The gentleman yields.

17 MR. BOHAC: Representative Heflin, I  
18 understand the intent of your amendment, but haven't we  
19 already really addressed this particular issue because if  
20 a person doesn't have an ID, they can go to the DPS and  
21 not even sign an affidavit, merely make a statement that  
22 they are unable to pay for it and they get an ID for free?

23 MR. HEFLIN: Mr. Bohac, is there a  
24 difference between you standing up in front of a panel of  
25 six people and saying, "I don't have the money to vote. I

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1 have to sign and state today that I'm poor and can't do  
2 it?" Don't you think that would discourage people to come  
3 vote as opposed to we can send them to the DPS or to the  
4 county clerk and they can declare there that they are  
5 seeking documents for voting, that that would be a lot  
6 less embarrassing to them? And that embarrassment alone  
7 would cause people to stay away from the polls, and our  
8 goal in the State of Texas should be to encourage people  
9 to vote, not discourage them. You know, I don't know if  
10 you've ever been poor. A lot of people have been poor,  
11 and it's not a fun situation. So, I think we need to help  
12 them to grow, mature, and become citizens of this state  
13 and vote regularly.

14 MR. BOHAC: Here again, I think we've  
15 already addressed this. I understand where you're coming  
16 from, but we already have addressed this. Thank you.

17 MR. HEFLIN: I think we have not. I move  
18 passage. Actually, I move to table the motion -- vote  
19 "no" on the motion to table.

20 SPEAKER: Mr. Heflin sends up an amendment.  
21 Ms. Brown moves to table. All those in favor vote aye.  
22 All those opposed, vote no. It's a record vote. Clerk,  
23 ring the bell. Show Ms. Brown voting aye, Mr. Heflin  
24 voting no. Have all voted? There being 72 ayes and 67  
25 nays, the motion to table prevails.

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CLERK: Amendment by Rose.

SPEAKER: The chair recognizes Mr. Rose.

5 MR. ROSE: Mr. Speaker, members, this  
6 amendment would require the election officer to inform the  
7 voter that they have the right to cast a provisional  
8 ballot when they are denied at the ballot box, and I've  
9 worked with the author of this. This is acceptable to the  
10 author.

11 SPEAKER: Members, Mr. Rose send up an  
12 amendment. The amendment is acceptable to the author. Is  
13 there objection? The chair hears none. The amendment is  
14 adopted.

CLERK: Amendment by Vaught.

SPEAKER: Mr. Vaught?

19 MR. VAUGHT: Mr. Speaker, members, this  
20 amendment exempts service-related disabled veterans having  
21 to provide local forms of ID when they vote. When the  
22 veterans register to vote on the registration form --

MR. LIEBOWITZ: Mr. Speaker?

24 SPEAKER: Mr. Liebowitz, for what purpose?

25 MR. LIEBOWITZ: Can we kindly have some

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1 order here?

2 SPEAKER: Members, if you'll move your  
3 conversations outside the rail and give the gentlemen your  
4 attention, I would appreciate it. Thank you.

5 MR. VAUGHT: Thank you, Mr. Speaker. As I  
6 was saying, when the disabled veterans register to vote,  
7 they would indicate on the registration application form  
8 that they are a disabled veteran and that would be noted  
9 on their voter registration card.

10 I don't think the veterans who have shed  
11 blood on foreign battlefields past, present, and future  
12 should have to prove who they are in order to vote in this  
13 country that they fought to defend.

14 Disabled veterans, which we are suffering  
15 many in the current war in Iraq and Afghanistan, may not  
16 have a driver's license or other forms of ID needed to  
17 vote under the bill as it is currently presented, and my  
18 amendment will exempt those veterans from the requirements  
19 of this bill.

20 MR. LIEBOWITZ: Mr. Speaker?

21 SPEAKER: For what purpose?

22 MR. LIEBOWITZ: Will the gentleman yield  
23 for questions?

24 SPEAKER: Mr. Vaught, do you yield?

25 MR. VAUGHT: I yield.

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1 MR. LIEBOWITZ: When you joined the  
2 Marines, did they ask you for two forms of ID when you  
3 went to sign up?

4 MR. VAUGHT: Actually, I've got to clarify.  
5 I was United States Army.

6 MR. LIEBOWITZ: I beg your pardon. We'll  
7 forgive you. Did they ask you for two forms of ID?

8 MR. VAUGHT: Not that I recall. It was  
9 many years ago, but I don't think so.

10 MR. LIEBOWITZ: You did, in fact, suffer a  
11 service-related disability, as well, did you not?

12 MR. VAUGHT: Yes, sir, a roadside bomb in  
13 Sauder City, Iraq injured me, yes.

14 MR. LIEBOWITZ: And what you're telling  
15 this body is that you're asking them to vote to exempt  
16 veterans who have fought on our behalf for the freedoms  
17 that we enjoy. If they were injured and they have a  
18 service-related disability, you're asking this body to  
19 provide them with an exemption from this requirement of  
20 two forms of ID.

21 MR. VAUGHT: That's exactly what I'm  
22 asking.

23 MR. LIEBOWITZ: That's the extent of your  
24 amendment?

25 MR. VAUGHT: Yes, sir.

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1 MR. LIEBOWITZ: Okay. Very good. Thank  
2 you.

3 MR. ANCHIA: Mr. Speaker?

4 SPEAKER: Mr. Anchia, for what purpose?

5 MR. ANCHIA: Will the gentleman yield?

6 MR. VAUGHT: Yes, I yield for a question.

7 MR. ANCHIA: Mr. Vaught, you fought in  
8 Iraq, correct?

9 MR. VAUGHT: That's correct.

10 MR. ANCHIA: And this was combat duty?

11 MR. VAUGHT: Correct.

12 MR. ANCHIA: And you helped people -- you  
13 were there when they were holding elections?

14 MR. VAUGHT: We had some tribal council  
15 elections that I oversaw when I was in Falusia.

16 MR. ANCHIA: Did they use photo ID during  
17 those tribal council elections?

18 MR. VAUGHT: No.

19 MR. ANCHIA: Does this seem like under  
20 HB218 we're making it harder to vote in Texas than we are  
21 in Afghanistan and Iraq?

22 MR. VAUGHT: I believe so, yes.

23 MR. ANCHIA: Thank you.

24 MR. BERMAN: Mr. Speaker?

25 SPEAKER: For what purpose, Mr. Berman?

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1 MR. BERMAN: Will the gentleman yield?

2 MR. VAUGHT: Yes, sir, I yield.

3 MR. BERMAN: You know, a lot of disabled  
4 veterans -- you and I are disabled?

5 MR. VAUGHT: Yes, sir.

6 MR. BERMAN: You and I have been in combat,  
7 but a lot of disabled veterans have never seen combat in  
8 their lives. They hurt their back in the motor pool, they  
9 did something like that. I know you mentioned the shed  
10 blood in combat and I agree with you a hundred percent,  
11 but how do we distinguish between those veterans who have  
12 a 10 percent disability because their back hurts or some  
13 other like that, and how do we distinguish between other  
14 veterans who are here legally as immigrants because not  
15 all veterans are U.S. citizens. Not all service members  
16 are U.S. citizens -- and they can't vote anyway. And I  
17 think the last part I wanted to ask you about is if you  
18 open your wallet, I'm sure you have a military ID card  
19 like I have. Do you have one?

20 MR. VAUGHT: No, sir, I don't have one on  
21 me, no.

22 MR. BERMAN: But do you have one?

23 MR. VAUGHT: I have one that's expired. It  
24 expired last month. I don't have the time to go and renew  
25 it wherever the place is I'm supposed to go renew it.

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1 MR. BERMAN: That's the questions I've got,  
2 Alan, the fact that there are non-citizens who are serving  
3 in the military and there are military personnel with  
4 disabilities would have never served in combat.

5 MR. VAUGHT: Yes, sir. There are multiple  
6 questions, and I'll do my best to answer them as I recall  
7 them.

8 The first question, I believe, was how do  
9 you differentiate between those injured in the line of  
10 duty versus motor pool, and I believe the VA currently  
11 makes that differentiation. However, I believe that any  
12 disabled veteran should be subject to the benefits offered  
13 by this amendment. Whether they served in combat or  
14 peacetime, they have all contributed to preserving the  
15 democracy we all love. So, I believe they should be  
16 eligible.

17 With regards to those brave individuals who  
18 are not United States citizens who are currently fighting  
19 and dying in Iraq, they are totally exempted from voting  
20 to begin with. So, I don't think that's a problem.

21 MR. BERMAN: But, Alan, wouldn't any  
22 veteran be proud to show their ID card to vote because  
23 that's why we serve and that's why we went into combat? I  
24 have never went against a veteran's bill in my life.

25 But you're asking to do something -- what

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1 is the benefit to just be able to go in there -- now, you  
2 say that the first time you're going to have to show an ID  
3 when we register to vote and then it will be marked on the  
4 voter registration card; is that correct?

5 MR. VAUGHT: Well, I guess I'll answer your  
6 question first about most of them having IDs, and they  
7 probably do. You and I both have our IDs, although mine's  
8 expired, and if I needed to rely on it today to vote I  
9 would be excluded from voting unless I could show some  
10 other ID. But, you know, there's got to be individuals  
11 out there that don't. I mean, I watch the news and I see  
12 these brave soldiers, missing limbs, record numbers in  
13 this war, in fact. The most since any war since the Civil  
14 War. May be hard for them to go get an ID. I'm saying  
15 when there is a question about whether they do or they  
16 don't, I think we need to come down on the side of the  
17 disabled veterans, and I think that's what this amendment  
18 does.

19 MR. BERMAN: You said before -- you  
20 mentioned before a veteran is going to get a voter  
21 registration card. Didn't you say that he has to show an  
22 ID at that time to get a voter registration card?

23 MR. VAUGHT: I don't think we discussed  
24 that earlier, but when you go -- this amendment as written  
25 would basically have the same requirements you have now to

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1 get a voter registration card, but there's a box to check  
2 stating under penalty of perjury that you are a disabled  
3 veteran under the criteria matched by this amendment.

4 MR. BERMAN: A box that you check where?

5 MR. VAUGHT: It's on the voter registration  
6 card. Let me find it here, please. I believe it's on  
7 Page 2, a space or box for indicating whether the  
8 applicant served in the capacity in which we're talking  
9 about.

10 MR. BERMAN: Okay.

11 MR. VAUGHT: In the application form.

12 Pardon me.

13 Move passage, Mr. Speaker.

14 SPEAKER: Chair recognizes Ms. Brown.

15 MS. BROWN: Mr. Speaker, members, this is a  
16 very difficult vote because no one in here wants to be  
17 perceived as voting against veterans. I think we all know  
18 how we feel about our veterans and the debt that we owe  
19 them.

20 However, I have trouble following the  
21 information that Mr. Vaught has given us about disabled  
22 veterans not having photo ID and that some then -- their  
23 photo ID expires. I'm assuming -- and I think I'm  
24 right -- in the fact that any disabled veteran who is  
25 drawing disability checks would have a photo ID. He would

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1 have to. And plus, probably numerous other forms of photo  
2 ID.

3 So, I really -- I understand why that we're  
4 being put in the position to take this vote. I don't  
5 think we should be seen as casting a vote against our  
6 veterans because I don't think this is a vote against our  
7 veterans.

8 MR. CHRISTIAN: Mr. Speaker?

9 SPEAKER: Mr. Christian --

10 MR. CHRISTIAN: Will the lady yield?

11 MS. BROWN: I'll be happy to.

12 SPEAKER: The lady yields.

13 MR. CHRISTIAN: Ms. Brown, am I correct  
14 that if a veteran does not have an identification card  
15 under your bill as it's been amended, they can go and get  
16 one for free at the driver's license --

17 MS. BROWN: Absolutely. Absolutely.

18 MR. CHRISTIAN: So, this in no way prevents  
19 a veteran from being able to get identification at no  
20 cost, they can do it for free -- am I correct this in no  
21 way discriminates against veterans or anybody else that's  
22 legal in this country?

23 MS. BROWN: I would not be up here -- if it  
24 was discriminating against our veterans, you can bet that  
25 I would be talking about how much we need this amendment,

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1 but I don't think it's accomplishing what -- the hope that  
2 it would accomplish.

3 MR. CHRISTIAN: Does your bill also include  
4 the people we honor as veterans, which we do, but also  
5 under your bill not only can veterans get free IDs, but  
6 also fire fighters, policemen, anybody else that's been  
7 harmed in the line of service to our country?

8 MS. BROWN: That's right.

9 MR. CHRISTIAN: Thank you very much.

10 MS. BROWN: If we need to go back to the  
11 fact of what the bill was brought forward for, and that is  
12 simply to increase the integrity of our voting process and  
13 to thereby encourage to have faith in that process.

14 MR. NORIEGA: Will the gentle lady yield?

15 SPEAKER: Ms. Brown? The lady yields.

16 MR. NORIEGA: Ms. Brown, are you aware of  
17 the voting process in some other countries as it applies  
18 to voter ID?

19 MS. BROWN: Yes, I've heard lately quite a  
20 bit about that.

21 MR. NORIEGA: I wanted to share with you  
22 and to your knowledge you may not be aware, but I witness  
23 the first election ever held in Afghanistan. Were you  
24 aware of that?

25 MS. BROWN: No, I didn't know that you

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1 witnessed that.

2 MR. NORIEGA: Well, in a third-world  
3 country where many of the women wore berkas, they merely  
4 had a piece of paper that was identification and they  
5 applied a fingerprint, and there's probably not any way --  
6 there was not a picture ID.

7 Why would we in this country, after a  
8 veteran has gone through a voter registrar, proven that  
9 they are a veteran or they have checked the box on the  
10 application form proving their disability and so forth,  
11 and they show -- then on the day of the vote why would we  
12 not allow that veteran to vote because they merely didn't  
13 have a photo ID?

14 MS. BROWN: I'm sorry. Did you have a  
15 question, or were you making a statement.

16 MR. NORIEGA: I asked a question. I asked  
17 then in comparison to a third-world country that has no  
18 way of verifying either through photo or through  
19 fingerprint and allowing those that perhaps are illiterate  
20 to vote in this country where we have gone through the  
21 process to prove a veteran status and disability status  
22 and that person shows up to vote, why would we prohibit  
23 that disabled veteran from voting?

24 MS. BROWN: Well, we wouldn't and we don't  
25 and that's not what this bill is about, and I would be

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1 happy to accept the amendment.

2 SPEAKER: Mr. Vaught sends -- Vaught sends  
3 up an amendment. The amendment is acceptable to the  
4 author. Is there objection? Chair hears none. The  
5 amendment is adopted.

6 The following amendment. The clerk will  
7 read the amendment.

8 CLERK: Amendment by Escobar.

9 SPEAKER: The chair recognizes Mr. Escobar.

10 MR. ESCOBAR: Members, this particular  
11 amendment, what it does, it says if you are a widower or a  
12 widow of a veteran, at the time that you go and apply for  
13 a voter registration, under oath you check a little mark  
14 that says that you are a widow or a widower of a veteran.  
15 And so, that in itself, when you get your card back, it  
16 automatically says that and that's the only requirement  
17 that you have to have, is that you are a widower or a  
18 widow of a veteran. And I say that because, you know, how  
19 many times, again, have we come to this House and we have  
20 had many widows and widowers of veterans and we recognize  
21 them? And this is one way that we can respect their honor  
22 where they fought so gallantly for our country and gave  
23 their lives.

24 SPEAKER: Mr. Raymond, for what purpose?

25 MR. RAYMOND: Do you know if the amendment

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1 is acceptable to the author or not?

2 MR. ESCOBAR: I believe the -- is it  
3 acceptable to the author?

4 SPEAKER: It is, Mr. Raymond.

5 MR. RAYMOND: Then do you want to move  
6 passage?

7 SPEAKER: The amendment is acceptable to  
8 the author. Any objection? The chair hears none. The  
9 amendment is adopted. Ms. Davis --

10 Following amendment. The clerk will read  
11 the amendment.

12 CLERK: Amendment by Davis of Dallas.

13 MS. DAVIS: Thank you. Mr. Speaker,  
14 members, this amendment just basically says when they send  
15 out -- when the voter registrar sends out the new voter  
16 registration cards, they will include language and  
17 information with regard to what the law changes are with  
18 voting requirements, and it's acceptable to the author.

19 SPEAKER: Ms. Davis sends up the amendment.  
20 The amendment is acceptable to the author. Is there  
21 objection? Chair hears none. The amendment is adopted.

22 The following amendment. The clerk will  
23 read the amendment.

24 CLERK: Amendment by Villareal.

25 SPEAKER: The chair recognizes

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